

MUSIC AND MUSICIANS IN THE EQUITY AND
COMMON-LAW COURTS OF ENGLAND, 1690–1760

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Abstract

The six journal articles and one book chapter that make up this submission demonstrate the rich potential of legal documents preserved in The National Archives of the UK as sources of new information about music and musicians. Key literature in relation to eighteenth-century legal studies, theatre research, historical musicology and the broader social context is first reviewed in order to appraise the current state of knowledge. Each of the publications takes as its starting point the author's discovery of one or more lawsuits as a means of exploring professional music culture in England between 1690 and 1760. These encompass a wide diversity of human interactions, including financial agreements, patronage, benefit arrangements, consumption and debt. The litigation also yields details about the professional and personal lives of individuals ranging from iconic figures such as Henry Purcell and George Frideric Handel to minor players like Giuseppe Manfredini and Elizabeth Frederica, whose names have been omitted from previous historical accounts. The publications make an original contribution to existing knowledge and scholarship, thereby demonstrating the value of legal documents as a field of musicological endeavour; while building on previous work on eighteenth-century equity lawsuits, they also include the first detailed studies of common-law documents undertaken by a musicologist. Legal records are notoriously challenging to use, and some of the issues involved in locating, reading and interpreting these abstruse documents are elucidated. The process of contextualization provides opportunities to deploy the material in ways that feed into a variety of historiographical perspectives, including cultural, social and women's history. Legal documents open up a field of study that is ripe for further investigation; the outcomes will offer new perspectives on music and musicians viewed through the lens of the law, and make a compelling case for the continuing relevance of archival research.

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1. INTRODUCTION AND OVERVIEW OF THE LITERATURE

‘Civil litigation (legal disputes between two parties) makes up a very large - and under-used - part of the National Archives’ holdings. The records cover disputes about land, property rights, debts, inheritance, trusts, frauds, etc., and they can provide unparalleled levels of information about people in the past.’¹

For the musicologist investigating professional music culture in England during the long eighteenth century, legal documents constitute a rich and yet largely untapped repository of primary source material. The names of many individuals associated with the burgeoning entertainment industry are to be found amongst the records of the various courts that comprise the English legal system. An unprecedented expansion in trade, commerce and consumerism during this period, particularly in London, resulted in a sharp escalation in disputes pertaining to business transactions and personal debt; at the same time, commercial music-making was developing in ways that left its practitioners highly susceptible to litigation. With the rise of public entertainments such as opera and concerts, numerous musicians - including many from abroad - were attracted to London by the performance opportunities and lucrative salaries on offer. However, the leisure industry operated within a viciously competitive commercial market; opera, in particular, was enormously expensive to produce, and the notorious fickleness of the tiny minority who could afford tickets made investing in it a very risky financial proposition. At this elite end of the music profession, aristocratic patronage continued to play a pivotal role in the fortunes of performers, who were often obliged to ingratiate themselves with the upper classes in order to further their careers. The lifestyle that many musicians adopted as a consequence usually proved to be beyond their means, and several were brought to the brink of ruin. Both men and women succumbed, though in the case of female singers their misfortune was often attributed to sheer

¹ Amanda Bevan, *Tracing your Ancestors in the National Archives: the website and beyond* (Kew, Surrey: The National Archives, 7/2006), 495.

extravagance and/or improvidence.² Making a living from music in eighteenth-century England, even at the higher levels of the profession, was a demanding and precarious business. Legal documents can supplement our knowledge of a wide range of social and economic issues pertinent to professional music culture; even more importantly, they can play into a variety of historiographical perspectives that are widely represented in the general historical literature of the long eighteenth century, but have yet to be thoroughly assimilated into the standard musicological discourse about this period.

The historical background

The eighteenth century was a time of exceptionally rapid and far-reaching change, and the historiography of the period has been subject to numerous shifts of emphasis.³ Before the second half of the twentieth century, Georgian Britain was typically portrayed as ‘an age of stability in politics, in religion, in literature, and in social observances ... the period has a rare unity of its own and seems to concentrate in itself all the faults and merits that we are apt to think of as specially characteristic of the whole eighteenth century’.⁴ As interest in kingship and politics declined after the 1960s, the focus of research realigned to embrace a bewildering array of historiographical approaches - economic history, social history, urban history, gender history, fashion history and, from the 1990s, cultural history - each with its own substantive literature and key resources. Scholars of this period are in the vanguard of digitizing primary sources and making them available online; to give just one example, the *London Lives* database includes a huge number of digital and searchable primary sources

² See, for example, Burney’s disparaging comments on Cuzzoni and Frasi in Abraham Rees, *The Cyclopaedia, or, Universal Dictionary of Arts, Sciences and Literature*, 39 vols (London: Longman, Hurst, Rees, Orme & Brown, 1819) 15: [no pagination], s.v. ‘Frasi, Giulia’.

³ For a succinct overview of this subject, see Penelope Corfield, ‘The Lure of the Georgian Age’, *History Today*, 64/1 (January 2014), 57–8.

⁴ Basil Williams, rev. C. H. Stuart, *The Oxford History of England: The Whig Supremacy, 1714–1760*, vol. 11 (Oxford: Clarendon Press, 1939, rev. 1960), 1.

related to the lives of plebeian Londoners.⁵ The continuing output of significant new studies on eighteenth-century British history is so great that even a brief overview lies well beyond the scope of the present study; the following is merely a small selection of literature that contributes to a broad understanding of the social and cultural context of the period.

Pleasures of the Imagination is an important study that charts the broader historical processes through which the arts were commercialized in Georgian England.⁶ Situating the performing arts, visual arts and print culture at the very heart of eighteenth-century experience, John Brewer argues that the consumption of high culture by the urban middle classes brought about profound transformations in ideas, attitudes, markets and institutions. Studies of the middling classes - their economic activities and their cultural lives - have constituted a major research area since the late 1980s, and the economic history of the era has been reconfigured to reflect social and cultural historical approaches. Among the earliest of these was Peter Earle's *The Making of the English Middle Class*, which concentrated on the wealthier end of the social stratum. Earle's focus on London was unfashionable at a time when many contemporary historians were playing down its significance and decentering attention to the provinces, but he defends its legitimacy on the grounds that the capital 'totally dominated English urban culture and indeed invented it'.⁷ The author draws on primary source materials such as marriage and apprenticeship contracts, inventories, wills and divorce hearings to guide the reader through the social structure of London and the complexities of its commercial life from the Restoration to 1730. In *The Middling Sort*, Margaret Hunt considers

⁵ Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, *et al.*, *London Lives, 1690–1800* (www.londonlives.org, version 1.1, 24 April 2012). The resource includes over 240,000 manuscript and printed pages from eight London archives, supplemented by fifteen datasets created by other projects.

⁶ John Brewer, *Pleasures of the Imagination: English Culture in the Eighteenth Century* (New York: Farrar Straus & Giroux, 1997).

⁷ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London 1660–1730* (London: Methuen, 1989), xi. See also Ian Warren, 'The English Landed Elite and the Social Environment of London c.1580–1700: the Cradle of an Aristocratic Culture?', *English Historical Review*, 126 (2011), 44–74.

the lives of middle-class people in England for a slightly later and more extended period, while situating her account within issues raised in the history of consumption.⁸ Hunt explores a range of sources, including lawsuits and family papers in provincial and metropolitan archives, to reveal complex patterns of sociability that are significantly affected by the experience of commerce. She maps the rise of a fluid social class coping with the demands of the market place, and suggests that it sought identity through its own resourcefulness rather than through emulation of the aristocracy. ‘Middling’ people - women as well as men - had recently become literate and were confident when it came to dealing with bureaucracies; they were certainly not reluctant to resort to law in order to resolve business disputes, for example, or to adjudicate on matters such as debt. Margot Finn’s *The Character of Credit* is particularly useful for understanding English consumer culture of the eighteenth century.⁹ Finn demonstrates how personal credit was determined by social identities, with personal credit relations binding family members, friends, servants, neighbours and tradespeople in complex networks of mutual obligation. Part II on ‘Imprisonment for debt and the economic individual’ is essential reading on the experience of personal debtors, and the author skilfully trawls a range of archival sources for revealing case histories. The legal interactions of women are the main subject of *Women and Property*, in which Amy Louise Erickson studies various records relating to women’s relationship to property and wealth in order to challenge conventional understanding of both marriage and economic history.¹⁰ Legal documents such as deeds, bonds, charters, contracts and wills are explored as a means of reconstructing the realities of the everyday lives of women in the context of their material position. Studies of material culture have proliferated since the 1980s, and many disciplines have benefitted from

⁸ Margaret R. Hunt, *The Middling Sort: Commerce, Gender, and the Family in England 1680–1780* (Berkeley, Los Angeles and London: University of California Press, 1996).

⁹ Margot C. Finn, *The Character of Credit: Personal Debt in English Culture, 1740–1914* (Cambridge: Cambridge University Press, 2003).

¹⁰ Amy Louise Erickson, *Women and Property in Early Modern England* (London and New York: Routledge, 1993).

historians' theories concerning patterns of consumption. So central is the role of consumption to the creation of the modern Western world that the phenomenon has enormous historiographical potential, although this has not yet been fully exploited by musicologists. Neil McKendrick, John Brewer and John H. Plumb's pioneering study *The Birth of a Consumer Society* explores sources relating to lower-level professionals, civil servants, tradespeople and others to demonstrate the astonishing diversity of eighteenth-century consumer tastes.¹¹ This work gave rise to a new wave of historical consumption studies that have transformed social and economic historical accounts of early modern Britain and beyond. In *Gender, Taste, and Material Culture*, a series of discrete essays explores topics ranging from the fashion habits of London's *beau monde* to the interior design of a family house in Philadelphia.¹² These refine or contest a number of the premises raised by McKendrick *et al.* including, for example, the emergence of shopping as an eighteenth-century phenomenon. The most recent scholarship is summarized in *The History of Consumption*, which brings together essays on different eras, continents and topics in order to present the subject in its broadest perspective.¹³

The legal background

There are relatively few modern studies of English legal history for this period, and those that do exist can be daunting to anyone who ventures into the field without a background in the subject. For general reference, *The New Oxford Companion to Law* and *Black's Law Dictionary* both include information that is helpful to an understanding of the historical

¹¹ Neil McKendrick, John Brewer and J. H. Plumb, *The Birth of a Consumer Society: the Commercialization of Eighteenth-Century England* (London: Hutchinson, 1983).

¹² John Styles and Amanda Vickery (eds), *Gender, Taste, and Material Culture in Britain and North America 1700–1830*. Studies in British Art 17. (New Haven and London: Yale University Press, 2006).

¹³ Frank Trentmann (ed.), *The Oxford Handbook of The History of Consumption* (Oxford: Oxford University Press, 2012).

context.¹⁴ The best general overview of the subject is John Baker's *An Introduction to English Legal History*; this provides a brief but useful history of the law courts, together with a succinct account of contract law (especially debt and assumpsit) in language that is accessible to the reader who lacks formal legal training.¹⁵ Eventually, it is expected that a much more detailed study of the subject will be provided by the landmark series *The Oxford History of the Laws of England*, but those volumes relevant to the late seventeenth and eighteenth centuries have yet to be published and no prospective date has been announced.¹⁶ The ability to recognise and interpret legal fictions is a crucial skill for anyone working with legal documents, and the clearest account is given in Baker's *The Law's Two Bodies*.¹⁷ For guidance on the practice of individual courts, Henry Horwitz has done much to open up the difficult but immensely rich field of equity records to family historians as well as to scholarly researchers. His *Chancery Equity Records and Proceedings* is a user-friendly guide that provides a class-by-class description of Chancery materials in The National Archives, together with their respective finding aids.¹⁸ Although Chancery was England's leading jurisdiction in equity, the Court of Exchequer also conducted a considerable amount of equitable business throughout the long eighteenth century and is an equally valuable resource for historians. A practical introduction to the subject is provided by Judith Milhous and Robert D. Hume in 'Eighteenth-century Equity Lawsuits in the Court of Exchequer'.¹⁹ The authors summarize and appraise the main document classes, list some of the potential problems that the researcher may encounter, and provide a short survey of the kind of findings that reflect their own interests as theatre historians; among these are subjects of

¹⁴ Peter Cane and Joanne Conaghan (eds), *The New Oxford Companion to Law* (Oxford: Oxford University Press, 2008); Bryan A. Garner (ed.), *Black's Law Dictionary* (Minnesota: West Group, 7/1999).

¹⁵ J. H. Baker, *An Introduction to English Legal History* (Oxford: Oxford University Press, 4/2007).

¹⁶ So far six volumes have been published: 1 (2004), 2 (2012), 6 (2003), 11, 12 and 13 (2010).

¹⁷ J. H. Baker, *The Law's Two Bodies: Some Evidential Problems in English Legal History* (Oxford: Oxford University Press, 2001).

¹⁸ Henry Horwitz, *Chancery Equity Records and Proceedings 1600–1800* (London: Public Record Office Handbook 27, 1995).

¹⁹ Judith Milhous and Robert D. Hume, 'Eighteenth-century equity lawsuits in the Court of Exchequer as a source for historical research', *Historical Research*, 70 (1997), 231–46.

specific interest to musicologists, including Italian opera in London. Horwitz's *Exchequer Equity Records and Proceedings*, published four years later, gives a more detailed account of the various series and their finding aids, and guides the reader systematically through a number of specimen searches.²⁰ Unfortunately, there is as yet no equivalent guide for the common-law courts, and in the absence of any modern manual on common-law practice of the period, the only sources of information lie in guidance on procedure found in eighteenth-century practice books. Possibly the most useful of these is the comprehensive and highly readable *Commentaries on the laws of England* by Sir William Blackstone, which was the dominant lawbook in England and America in the century following its publication in 1765–69.²¹ Other contemporary practice books that provide guidance on the common law include those footnoted below.²² The Gale digital library *Eighteenth-Century Collections Online* is an invaluable source of this and similar material.

Theatre

Since the 1960s, the distinguished output of American theatre historians has done much to advance scholarly understanding of English theatre culture from the Restoration to the end of the eighteenth century. This subject is richly endowed with reference tools, and musicologists working in the related field of eighteenth-century theatre are fortunate in having well-organised contextual information available to them. *The London Stage 1600–1800* is perhaps the most important work of reference for investigating the theatrical environment in which

²⁰ Henry Horwitz, *Exchequer Equity Records and Proceedings 1649–1841* (London: Public Record Office Handbook 32, 2001).

²¹ William Blackstone, *Commentaries on the Laws of England*, 4 vols (Oxford: Clarendon Press, 1765–1769; facsimile edition, Chicago: University of Chicago Press, 1979).

²² Joseph Harrison, *The Present Practice of the Court of King's Bench* (London, 1761); John Impey, *The New Instructor Clericalis, stating the Authority, Jurisdiction, and Modern Practice of the Court of King's Bench* (London, 1782); William Tidd, *The Practice of the Court of King's Bench in Personal Actions*, 2 parts (London: Strahan and W. Woodfall, 1790–94), and George Wilson, *Reports of Cases argued and adjudged in the King's Courts at Westminster*, 3 vols (London, 1799).

professional musicians operated.²³ It comprises an eleven-volume chronology of plays and entertainments, including Italian operas and many concerts, compiled from newspapers, playbills and other primary sources. *The London Stage* is now some fifty years old and is not entirely comprehensive, but even so it remains an impressive compendium of information. Critical introductions to each of the five parts address a wide range of topics including finance, advertising, management and costumes; these areas of interest were later distilled into a single volume, *The London Theatre World*, edited by Robert D. Hume.²⁴ The aim as declared in the Preface to the latter volume was to inspire new research, and certainly the book played an important role in consolidating lines of authority, such as Judith Milhous on management and finance, Edward A. Langhans on theatres, and Philip H. Highfill Jr. on performers and performing. The last two authors played a key role in a further offspring of *The London Stage*: the sixteen-volume *Biographical Dictionary* was published in collaboration with Kalman A. Burnim and produced over a period of some twenty years.²⁵ Even today, this collection includes valuable information that cannot be found elsewhere, particularly regarding the more obscure figures of London's diverse theatre community.

It was Hume himself, mostly in collaboration with Judith Milhous, who did much to pursue some of the questions raised in *The London Stage* and *The London Theatre World*, particularly those concerning aspects of administration, management and finance, through rigorous examination and contextualization of documentary sources, including legal

²³ Emmett L. Avery (ed.), *The London Stage, 1660–1800*, Part 2, 1700–1729, 2 vols (Carbondale: Southern Illinois University Press, 1968); Arthur H. Scouten (ed.), *The London Stage, 1660–1800*, Part 3, 1729–1747, 2 vols. (Carbondale: Southern Illinois University Press, 1961); George Winchester Stone Jr. (ed.), *The London Stage, 1660–1800*, Part 4, 1747–1776, 3 vols (Carbondale: Southern Illinois University Press, 1962). See also Judith Milhous and Robert D. Hume (eds), *The London Stage, 1660–1800: A New Version of Part 2, 1700–1729 ... Draft of the Calendar for Volume 1, 1700–1711*, <http://www.personal.psu.edu/hbl/London%20Stage%202001/>, Preface, pdf (last accessed 31 December 2014).

²⁴ Robert D. Hume (ed.), *The London Theatre World 1660–1800* (Carbondale: Southern Illinois University Press, 1980).

²⁵ Philip H. Highfill, Jr., Kalman A. Burnim and Edward A. Langhans, *A Biographical Dictionary of Actors, Actresses, Musicians, Dancers, Managers and Other Stage Personnel in London 1660–1800*, 16 vols (Carbondale and Edwardsville: Southern Illinois University Press, 1973–93).

documents. *A Register of English Theatrical Documents*, for example, is the first attempt to catalogue all known documents relating to the management and regulation of the English theatre for the period 1660–1737.²⁶ Among these are lawsuits from the Court of Chancery, which draw on (and correct) earlier work undertaken by Leslie Hotson in the 1920s.²⁷ The editors acknowledge the inherent difficulties associated with finding and deciphering lawsuits, while also noting that ‘Chancery (and King’s Bench) will long remain fruitful sources for scholars prepared to delve into them’.²⁸ Moving away from the trans-Atlantic domination of the field, Donald Burrows and Rosemary Dunhill’s *Music and Theatre in Handel’s World* encompasses many aspects of interest concerning eighteenth-century drama and music.²⁹ The title is somewhat misleading, as some two-thirds of this weighty volume concern events after Handel’s lifetime, and information about musical and theatrical events extends beyond London to locations as far afield as Paris and Warsaw. Documents from the extensive Malmesbury archive - among which are first-hand accounts of opera, oratorio and concert performances - are arranged into a detailed chronological narrative, and the material is contextualized to provide what is possibly the most vivid picture that we have of the complex social conditions pertaining to musical life in eighteenth-century England.

Opera

i. Books

Milhous and Hume’s interest in the London theatre inevitably brought them in contact with opera, and their prodigious output of document-based studies sheds light on aspects of opera production that were previously little understood, particularly those relating to the

²⁶ Judith Milhous and Robert D. Hume (eds), *A Register of English Theatrical Documents, 1660–1737*, 2 vols (Carbondale and Edwardsville: Southern Illinois University Press, 1991).

²⁷ Leslie Hotson, *The Commonwealth and Restoration Stage* (Cambridge, Mass: Harvard University Press, 1928).

²⁸ Milhous and Hume (eds), *A Register of English Theatrical Documents*, 1: xiv.

²⁹ Donald Burrows and Rosemary Dunhill, *Music and Theatre in Handel’s World: the Family Papers of James Harris 1732–1780* (Oxford: Oxford University Press, 2002).

management and financing of this elite form of entertainment. Until the 1980s, studies of opera were largely preoccupied with analysis of the music itself, with only scant attention being paid to the wider social and economic conditions in which it was generated. Since that time, however, the shift of emphasis towards ‘new historicism’ - the contextualizing of specific primary source evidence in order to elucidate wider cultural patterns or phenomena - has opened up historical musicology to a broader range of approaches. This change is easily observable in the following sample of key texts on eighteenth-century opera in England produced over the past forty years. Roger Fiske’s *English Theatre Music in the Eighteenth Century*, first published in 1973, broke new ground by including a number of matters that had been little investigated before that time; for example, it gives an account of playhouses and fringe theatres, considers the work of lesser-known composers such as Samuel Arnold, and explores popular genres including pantomime and burlesque.³⁰ Although still a valuable reference work, its emphasis lies firmly on analysis of the repertoire, as is immediately evident in the large number of musical illustrations that are included. *A History of English Opera* by Eric Walter White, published a decade later, includes no musical examples at all, but takes a more broadly contextual view of the subject. Drawing on a wide range of documentary evidence, the author considers such aspects as reception of eighteenth-century English opera in the colonies, singers’ salaries and box office receipts.³¹ More recently, the move towards an interdisciplinary approach is evident in such major texts as *Italian Opera in Late Eighteenth-Century London*, a collaboration between Milhous, Hume and musicologists Curtis Price and Gabriella Dideriksen. Both volumes make extensive use of primary source material, including equity lawsuits, to construct an institutional analysis of the Italian opera company in the last quarter of the eighteenth century. The appendices to both volumes

³⁰ Roger Fiske, *English Theatre Music in the Eighteenth Century* (Oxford: Oxford University Press, 2/1986).

³¹ Eric Walter White, *A History of English Opera* (London: Faber and Faber, 1983). For a useful supplement to *The London Stage*, see the companion volume, *A Register of First Performances of English Operas* (London: The Society for Theatre Research, 1983).

include a substantial list of legal cases pertaining to opera of the period: Volume 1 covers Chancery materials only, and Volume 2 includes both Chancery and Exchequer.³² Ian Woodfield's *Opera and Drama in Eighteenth-Century London* explores the decade immediately preceding the period considered by Price, Milhous *et al.*, claimed by the author to be 'perhaps the least studied period in the history of the King's Theatre'.³³ Primary source material discovered after the publication of *Italian Opera in Late Eighteenth-Century London* is used to supplement information regarding such matters as opera management, reception and recruitment of performers. In particular, Woodfield's new material contributes to what is known about singers' payments, thereby building on Milhous and Hume's substantial survey 'Opera Salaries in Eighteenth-Century London', which acknowledges that few salary figures exist for the period 1766 to 1781.³⁴ Woodfield also considers the role of women managers in the opera business, taking as his example the novelist and dramatist Frances Brooke who effectively ran the King's Theatre between 1773 and 1778. Brooke was not the first female impresario to manage the capital's opera house, however; that distinction belongs to Regina Mingotti, whose London career is the subject of a recent monograph by Michael Burden.³⁵ Alongside general management and financial matters, the author also probes such aspects as Mingotti's choice of repertoire and publication activities to enrich what is known about the careers and status of singers in eighteenth-century England. Another key player in London's entertainment business was the society hostess, singer and entertainment promoter Theresa Cornelys, who is yet to receive serious scholarly investigation. Judith Summers' colourful

³² Curtis Price, Judith Milhous and Robert D. Hume, *Italian Opera in Late Eighteenth-Century London: The King's Theatre, Haymarket, 1778–1791* (Oxford: Oxford University Press, 1995), 621–30, and Judith Milhous, Gabriella Dideriksen and Robert D. Hume, *Italian Opera in Late Eighteenth-Century London: Volume II: The Pantheon Opera and its Aftermath 1789–1795* (Oxford: Oxford University Press, 2001), 757–63.

³³ Ian Woodfield, *Opera and Drama in Eighteenth-Century London: The King's Theatre, Garrick and the Business of Performance* (Cambridge: Cambridge University Press, 2001), 2.

³⁴ Judith Milhous and Robert D. Hume, 'Opera Salaries in Eighteenth-Century London', *Journal of the American Musicological Society*, 46/1 (1993), 26–83, at 43. In the same article, the authors note the dearth of evidence relating to opera salaries in the 1740s and 50s.

³⁵ Michael Burden, *Regina Mingotti: Diva and Impresario at the King's Theatre, London*, RMA Monographs 22 (Farnham: Ashgate, 2013). Mingotti was manager of the Italian opera for the 1756–7 season.

and entertaining account does not set out to provide an in-depth social study of music history, but rather reflects her background as a novelist and popular historian.³⁶

ii. Articles

The economic realities of promoting Italian opera in London are further explored in a number of journal articles that have recourse to equity lawsuits and other documentary sources; most of these are by Milhous and Hume and date from the late 1980s and 90s. These do not build on one another, but rather present a set of finely-drawn, discrete *tableaux* that together help to construct a more lucid - yet still far from complete - picture of the many difficulties that beset the management and financing of opera in eighteenth-century England. In ‘The Haymarket Opera’, Milhous and Hume use as their centrepiece a newly discovered Chancery lawsuit to reveal fresh insights about a season that is memorable for including the first production of Handel’s *Rinaldo*.³⁷ This article gives a tantalizing glimpse of the rich detail that can be found in equity records; for example, a list of fabrics supplied to the opera company provides the basis for a speculative reconstruction of the elaborate costumes in *Rinaldo*. More widely, the lawsuit provides a vehicle for teasing out why, despite the enthusiastic reception of Handel’s first opera for the London stage, the season ended in financial difficulties from which the company never fully recovered. These problems are further expounded in ‘Heidegger and the Management of the Haymarket Opera’, in which an Exchequer equity lawsuit provides the starting point for re-examining the period of Owen Swiney and Johann Jakob Heidegger’s management.³⁸ Included in the schedule to Heidegger’s bill of complaint is a full set of box-office receipts for twenty-five performances during the 1714–15 season;

³⁶ Judith Summers, *The Empress of Pleasure: The Life and Adventures of Teresa Cornelys* (London: Viking, 2003). The time is ripe for a further investigation of Cornelys, particularly her activities on the London concert scene.

³⁷ Judith Milhous and Robert D. Hume, ‘The Haymarket Opera in 1711’, *Early Music*, 17/4 (1989), 523–37.

³⁸ Judith Milhous and Robert D. Hume, ‘Heidegger and the Management of the Haymarket Opera, 1713–17’, *Early Music*, 27/1 (1999), 65–71 and 73–84.

such information is very rare until much later in the century, and the article exploits this in order to examine wider issues of patronage and subscription. Moving away from Italian opera at the King's Theatre, 'J. F. Lampe and English Opera' investigates evidence from the Court of Exchequer to illuminate the shadowy and short-lived enterprise known as the English Opera Company.³⁹ The new information sheds light on Lampe's venture in particular, providing detailed figures concerning production costs and clarifying contradictions in the existing literature regarding the success or otherwise of this experiment in English opera.

A small number of articles by authors other than Milhous and Hume also use documentary evidence to explore aspects of opera management and patronage in eighteenth-century London. In 'From Losses to Lawsuit', Carole Taylor discusses a Chancery lawsuit filed by directors of Charles Sackville's opera company against its subscribers.⁴⁰ The author first prepares the ground by examining subscribers' accounts deposited in Drummond's Bank; the same accounts, but for a later period, form the basis of 'Italian Opera in London, 1750–1775', by Elizabeth Gibson.⁴¹ These two articles contribute important new information regarding the financial basis on which Italian opera functioned during these turbulent years, and enhance understanding of the subscription process and the nature of opera patronage generally. Sackville's financial difficulties, together with anecdotal accounts of lavish payments made to singers and other personnel, are discussed by Richard G. King and Saskia Willaert in the preamble to their substantial article 'Giovanni Francesca Crosa and the First Italian Comic Operas'.⁴² Although Crosa's troupe boasted an impressive cast, including the castrato

³⁹ Judith Milhous and Robert D. Hume, 'J. F. Lampe and English Opera at the Little Haymarket in 1732–3', *Music & Letters*, 78/4 (1997), 502–31.

⁴⁰ Carole Taylor, 'From Losses to Lawsuit: Patronage of the Italian Opera in London by Lord Middlesex, 1739–45', *Music & Letters*, 68/1 (1987), 1–25.

⁴¹ Elizabeth Gibson, 'Italian Opera in London, 1750–1775: Management and Finances', *Early Music*, 18/1 (1990), 47–59.

⁴² Richard G. King and Saskia Willaert, 'Giovanni Francesco Crosa and the First Italian Comic Operas in London, Brussels and Amsterdam, 1748–50', *Journal of the Royal Musical Association*, 118/2 (1993), 246–75.

Gaetano Guadagni, it did not revive interest in Italian opera as had been hoped; rather, his two seasons of management at the King's Theatre were so unsuccessful that he eventually fled the country in order to escape his creditors. In the course of examining Crosa's financial woes, the authors mention three common-law actions brought against the impresario. Such references are very rare in the existing literature; the authors do not engage with any of the legal details, but briefly contextualize a case brought against Crosa by the dancing-master Michael Poitier, mainly through cross-referencing to a newspaper announcement in order to interrogate the complex contractual conditions that prevailed. Following the collapse of Crosa's company in 1750, the King's Theatre remained closed for three seasons; when it reopened, management was so unstable that sometimes the artists were obliged to run the company themselves. Felice Giardini, leader of the opera orchestra from 1754, tried his hand at management for the 1756–7 season and again in 1763–4. Of the first episode, all that is really known is that it was not a financial success, but a Chancery lawsuit filed by Giardini in 1764 reveals much about the impresario's efforts to recruit singers for his second period as manager of the opera, and forms the basis of Price, Milhous and Hume's monograph *The Impresario's Ten Commandments*.⁴³ The lawsuit itself generated numerous public notices in the contemporary press, together with various letters and other documentation; these sources are used to construct a rich picture of artistic policy and foreign recruitment for the Italian opera in London under Giardini's brief period in charge.

Concert Life

i. London

Prior to his involvement with the King's Theatre, Giardini had already made a significant impact on England's concert life, a subject about which there are fewer documentary sources

⁴³ Curtis Price, Judith Milhous and Robert D. Hume, *The Impresario's Ten Commandments: Continental Recruitment for Italian Opera in London 1763–64*, RMA Monographs 6 (London: Royal Musical Association, 1992).

than is the case for opera. The existing literature derives its evidence almost entirely from press advertisements; as a consequence, information about such matters as finance and administration is in short supply, especially for the earlier part of the period. This situation was acknowledged by Cyril Ehrlich in *The Music Profession in Britain*, one of several contributions by social historians that have advanced our understanding of the lived experiences of those who worked in the music industry.⁴⁴ The majority of Ehrlich's study focuses on the late nineteenth and early twentieth century, however; a more detailed account of musical life in the eighteenth century is given by William Weber in 'London: a City of Unrivalled Riches'.⁴⁵ While emphasizing the significance of entrepreneurship and competition within the larger development of a consumer market, Weber maintains that the growth of musical life was as much due to a resurgence of the nobility as to the expanding bourgeoisie. The idea that the development of public concerts was led by the aristocracy is further underlined by Simon McVeigh in *Concert Life in London from Mozart to Haydn*.⁴⁶ This book is a standard text in the literature of concert history, and benefits from the author's ability to integrate his specialist knowledge as a historical musicologist with the wider perspectives of social and economic history. Drawing on newspapers and other archival materials to address matters such as different types of concert, concert planning and advertizing, patronage and the economics of concert-giving, McVeigh paints a convincing picture of how, for most musicians, performing in concerts was only part of the precarious and highly demanding business of earning a living, especially in the face of the favourable opportunities available to foreign performers. The importance of foreign musicians to the development of concert life is also emphasized by historian Jerry White, whose recent

⁴⁴ Cyril Ehrlich, *The Music Profession in Britain since the Eighteenth Century: A Social History* (Oxford: Clarendon Press, 1985).

⁴⁵ William Weber, 'London: a City of Unrivalled Riches' in Neal Zaslaw (ed.), *Man and Music: The Classical Era, from the 1740s to the end of the 18th century* (Englewood Cliff, N.J.: Prentice-Hall, 1989), 293–326.

⁴⁶ Simon McVeigh, *Concert Life in London from Mozart to Haydn* (Cambridge: Cambridge University Press, 1993). For the period 1660–1750, see Catherine Harbor, *The Birth of the Music Business: Public Commercial Concerts in London 1660–1750* (unpublished PhD dissertation, Royal Holloway, University of London, 2012).

magisterial survey of eighteenth-century London includes a chapter devoted to the capital's 'public pleasures'.⁴⁷ White opens with the exclusive public entertainments promoted by Italian singer and cultural entrepreneur Theresa Cornelys, whose highly successful subscription concerts attracted such high-status musicians as Giardini, Karl Friedrich Abel and Johann Christian Bach. He then goes on to provide a colourful account of entertainments designed to attract a greater mix of clientele, such as those offered by the numerous commercial pleasure gardens that flourished throughout the Georgian period. These venues made cultural pursuits - including music - available to the lower-middling and poorer sorts of people as well as attracting the gentry. Entry fees were reasonable even for more fashionable gardens such as Ranelagh and Vauxhall, where patrons, once admitted, could hear fine performances of serious music without extra charge. Vauxhall's repertoire, performers and composers are examined by David Coke and Alan Borg in *Vauxhall Gardens: A History*, which makes a major contribution to the study of London entertainments.⁴⁸ Under the proprietorship of Jonathan Tyers, Vauxhall attracted some 100,000 visitors each season, providing London-based composers such as Handel, Thomas Augustine Arne and Johann Christian Bach with their first mass audiences.

ii. The provinces

Whereas the literature on opera inevitably focuses on London, concert life in this period enjoyed a flourishing life of its own outside the capital. As well as providing a platform for local talent, provincial cities and towns offered lucrative performance opportunities for London musicians outside the theatre season, as is evident in Kenneth Edward James's *Concert Life in Eighteenth-Century Bath*, which draws extensively on local newspapers and

⁴⁷ Jerry White, *London in the Eighteenth Century: A Great and Monstrous Thing* (London: The Bodley Head, 2012), 293–343.

⁴⁸ David Coke and Alan Borg, *Vauxhall Gardens: A History* (New Haven and London: Yale University Press, 2011), 139–73.

journals. Appendix A - a lengthy alphabetical list of performers and composers who contributed to the musical events of the city - includes many celebrities of the London stage, such as opera singers Caterina Galli and Gaetano Guadagni.⁴⁹ Bath's concert life is also considered by Jenny Burchell in *Polite or commercial concerts?*, a study of five communities whose very different characteristics and circumstances are reflected in the repertoire and programme structure of the instrumental concerts to which they played host.⁵⁰ This emphasis on the diversity of concert life is further explored in *Concert Life in Eighteenth-Century Britain*, a volume of essays that reflects the multiplicity of methodological approaches current at the time of publication, including urban history and the history of leisure.⁵¹ Despite the wide range of perspectives considered by the various authors, however, there is much about British concert life of this period that is yet to be discovered, particularly concerning its finances and administration.

Singers

Most of the literature on performing musicians of the period has concentrated on professional singers, possibly because as a group they attracted a good deal of contemporary comment. Charles Burney, Horace Walpole and the Harris correspondence are valuable sources of such anecdotal information, particularly concerning the many Italians who travelled to London to sing in *opera seria*. The best known of these individuals are included in the standard biographies: *Grove Music Online*, the *Oxford Dictionary of National Biography* and *A Biographical Dictionary*. C. Steven Larue's *Handel and His Singers* is an important study that reveals the fundamental significance of Handel's singers to his opera composition, using

⁴⁹ Kenneth Edward James, *Concert Life in Eighteenth-Century Bath* (unpublished PhD dissertation, Royal Holloway, University of London, 1987). For Appendix A, see pp. 439–1047.

⁵⁰ Jenny Burchell, *Polite or commercial concerts? Concert management and orchestral repertoire in Edinburgh, Bath, Oxford, Manchester and Newcastle 1730–1799* (New York and London: Garland, 1996).

⁵¹ Susan Wollenberg and Simon McVeigh (eds), *Concert Life in Eighteenth-Century Britain* (Farnham: Ashgate, 2004).

information gleaned from a close examination of Handel's scores to inform us about his compositional process, and in turn to his aesthetic and practical approach to opera more generally.⁵² In 'Francesca Cuzzoni and Faustina Bordoni: Rival Queens', one of four chapters devoted to specific singers, Larue takes a musico-dramatic perspective through an examination of roles undertaken by the two sopranos. These same singers are the subject of Suzanne Aspden's recent book *The Rival Sirens*, which adopts a more contemporary approach by applying critical theory to Handel scholarship; the author also draws extensively on research about the London stage.⁵³ Similarly, Burden's monograph on Regina Mingotti includes discussion of the operas and concerts in which she sang, set in the wider context of her interactions with patrons and those with whom she worked.⁵⁴ John Rosselli's *Singers of Italian Opera* is an important source for the seventeenth and eighteenth centuries;⁵⁵ this study follows from his earlier *The Opera Industry in Italy from Cimarosa to Verdi*, which complements the work undertaken on the management of opera in England by Milhous and Hume. His consideration of a wide range of aspects, particularly apprenticeship and training, is essential reading for an understanding of the contexts in which Italian singers operated; Rosselli also examines issues specific to castrati, a group which has occupied the attention of numerous scholars.⁵⁶ Many of these have focused on the reception afforded to these singers by English audiences; 'Warbling Eunuchs', by Thomas McGeary, demonstrates how both *opera seria* and castrati were perceived as the foreign, feminizing 'Other' that threatened the

⁵² C. Steven Larue, *Handel and His Singers: The Creation of the Royal Academy Operas, 1720–1728* (Oxford: Clarendon Press, 1995).

⁵³ Suzanne Aspden, *The Rival Sirens: Performance and Identity on Handel's Operatic Stage* (Cambridge: Cambridge University Press, 2013).

⁵⁴ Burden, *Regina Mingotti*.

⁵⁵ John Rosselli, *Singers of Italian Opera: The history of a profession* (Cambridge: Cambridge University Press, 1992).

⁵⁶ John Rosselli, *The Opera Industry in Italy from Cimarosa to Verdi: The Role of the Impresario* (Cambridge: Cambridge University Press, 1984). See also the author's earlier study, 'The Castrati as a Professional Group and a Social Phenomenon, 1550–1850', *Acta Musicologica*, 60/2 (1988), 143–79.

masculine virtues believed to constitute British political, cultural and social identity.⁵⁷ A similar approach is adopted by Xavier Cervantes in ‘Tuneful Monsters’, suggesting that the response to the presence of castrati in England reflected contemporary moral and social concerns.⁵⁸ The author draws widely on satirical literature to demonstrate how patriotic contempt for ‘foreign’ entertainment evoked antipathy towards Italian luxury and vice, which resonated strongly with the deeply entrenched anti-Catholicism of the time. Suzanne Aspden explores this issue further in ‘An Infinity of Factions’; sources including the briefly popular burlesque opera *Hurlothrumbo* (1729) are deconstructed to show that ‘luxury’ is more than the corrupt extravagance of a commercial society and its fascination with the ‘foreign’.⁵⁹ Rather, it can be seen as a literal disintegration, signalled in the fragmentation of systems of government. While these readings shed valuable light on the complexity of British society’s response to these ‘outsiders’, they derive largely from sources that are inherently biased or drawn from highly subjective accounts, and much work remains to be done to test the veracity of this material.

By and large, English singers attracted far less media attention than their Italian counterparts and so the associated literature is less extensive. Olive Baldwin and Thelma Wilson have dominated research in this field for many years, particularly for the later seventeenth and early eighteenth centuries.⁶⁰ Their recent article on the soprano Catherine Tofts uses various sources to construct the first detailed biography of the soprano’s early life and musical

⁵⁷ Thomas McGeary, ‘“Warbling Eunuchs”: Opera, Gender, and Sexuality on the London Stage, 1705–1742’, *Restoration and 18th Century Theatre Research*, 2nd Series, 7/1 (1992), 1–22.

⁵⁸ Xavier Cervantes, ‘“Tuneful Monsters”: The Castrati and the London Operatic Public 1667–1737’, *Restoration and 18th Century Theatre Research*, 2nd Series, 13/1 (1998), 1–24.

⁵⁹ Suzanne Aspden, ‘“An Infinity of Factions”: Opera in Eighteenth-Century Britain and the Undoing of Society’, *Cambridge Opera Journal*, 9/1 (1997), 1–19.

⁶⁰ Examples of their publications include ‘Purcell’s Stage Singers’ in Michael Burden (ed.), *Performing the Music of Henry Purcell* (Oxford: Oxford University Press, 1996), 105–29, and ‘The Singers of *The Judgment of Paris*’ in Kathryn Lowerre (ed.), *The Lively Arts of the London Stage, 1675–1725* (Farnham: Ashgate, 2014), 11–26.

training.⁶¹ The authors refute previous assumptions that the untimely demise of Tofts's career in 1709 was due to her mental instability, demonstrating rather that it resulted from her serious financial difficulties at that time. Tofts featured prominently in the common-law courts of the period, and there may be information in the litigation that would further illuminate this fascinating narrative. There remains much scope for investigating the quotidian experiences of the many professional singers working in late-seventeenth and eighteenth-century England who were not of the first rank, but yet who were more representative of the performing population as a whole.

The business of music

Another important aspect of music culture in this period concerns the rapid growth of the music trade, incorporating the plethora of music sellers, publishers and instrument-makers that emerged as the market for such products increased. The music printing and publishing business as it is recognized today emerged in early eighteenth-century London, and David Hunter offers a useful overview of the subject in two substantial articles that deal with the period 1713–26.⁶² Having identified five separate categories of song books, Hunter considers such aspects as self-publishing, financing, and advertizing; his discussion inevitably touches on issues of copyright protection, which in reality did little to safeguard the rights of composers until J. C. Bach took publisher James Longman to court in 1773. This case was investigated in some detail in an article by John Small, which provides a succinct account of the complex and confused situation that had pertained in the wake of the 1710 Licensing Act.⁶³ Small's credentials as a legal historian are clearly demonstrated in his substantial

⁶¹ Olive Baldwin and Thelma Wilson, 'The Harmonious Unfortunate: new light on Catherine Tofts', *Cambridge Opera Journal*, 22/2 (2010), 217–34.

⁶² David Hunter, 'The Printing of Opera and Song Books in England, 1713–1726', *Notes*, Second Series, 46/2 (1989), 328–51, and 'The Publishing of Opera and Song Books in England, 1713–1726', *Notes*, Second Series, 47/3 (1991), 647–85.

⁶³ John Small, 'J. C. Bach Goes to Law', *The Musical Times*, 126/1711 (1985), 526–29. For more on J. C. Bach's legal battles, see Ann van Allen-Russell, "'For instruments not intended": the second J. C. Bach lawsuit', *Music & Letters*, 83/1 (2002), 3–29.

contribution to *The Music Trade in Georgian England*,⁶⁴ which includes a summary of some ninety cases from both equity and common law. Among these is the earliest documented lawsuit for breach of musical copyright, filed in Chancery in 1741 by T. A. Arne against publishers Henry Roberts and John Johnson. An earlier account of this case was given by Ronald J. Rabin and Steven Zohn in ‘Arne, Handel, Walsh, and Music as Intellectual Property’; the authors also discuss a second case dating from 1771, when John Pyle, executor of John Walsh the younger’s estate, took publisher Robert Falkener to Chancery for reprinting works by Handel, Arne and others.⁶⁵ The latter suit proceeded through the court system, and generated a substantial amount of supporting documentation; the bill, answer, interrogatories, depositions and other material are carefully explicated to provide a vivid narrative set within the context of changing ideas about intellectual property. Lengthy extracts from documents related to both cases are included in an appendix. Small, Rabin and Zohn are unusual in the extent to which they engage with actual legal processes, albeit confined largely to those of Chancery.

Music and the Book Trade provides a useful context for the history of music across four centuries and three centres of European culture.⁶⁶ In ‘John Walsh and his Handel Editions’, Donald Burrows considers the increasingly sophisticated ways in which music was published and distributed during the first half of the eighteenth century. Richard Luckett’s chapter ‘The Playfords and the Purcells’ reveals the extent to which publishing after the Restoration was increasingly tied up with matters of fashion, economics and personal relationships; particular attention is paid to the role played by Frances Purcell in the posthumous publication *Orpheus Britannicus* (1698). As organist at the Chapel Royal, Henry Purcell would have worked

⁶⁴ John Small, ‘The Legal Context’, in Michael Kassler (ed.), *The Music Trade in Georgian England* (Farnham: Ashgate, 2011), 231–386.

⁶⁵ Ronald J. Rabin and Steven Zohn, ‘Arne, Handel, Walsh, and Music as Intellectual Property: Two Eighteenth-Century Lawsuits’, *Journal of the Royal Musical Association*, 120/1 (1995), 112–45.

⁶⁶ Robin Myers, Michael Harris and Giles Mandelbrote (eds), *Music and the Book Trade from the Sixteenth to the Twentieth Century* (New Castle, Delaware and London: Oak Knoll Press and The British Library, 2008).

alongside the organ builder Bernard Smith, one of the most significant figures in late seventeenth-century English music. Andrew Freeman's study of 'Father' Smith, edited and expanded by John Rowntree, is now almost forty years old but remains the standard work on the subject.⁶⁷ Alongside a biography, the authors provide detailed information on instruments built by Smith; their organ stop-lists, however, can be misleading as they include later modifications that obscure the original specification. In order to establish this information for certain, Smith's original contracts would need to be consulted; few are known to have survived, but they are occasionally to be found, cited *verbatim*, in legal records. While Smith is not known for his litigiousness, the same cannot be said of his contemporary Renatus Harris, who was of similarly high professional standing. Harris has not so far received the level of scholarly attention that has been devoted to Smith; existing literature tends to focus on their well-known rivalry as reflected in the 'battle of the organs' at London's Temple Church.⁶⁸ As new sources come to light, however, there will be further opportunities to understand the nuances of their relationship, particularly in the context of religious difference and patronage.

⁶⁷ Andrew Freeman, *Father Smith: otherwise Bernard Schmidt, being an Account of a Seventeenth Century Organ Maker*, edited, annotated and with new material by John Rowntree (Oxford: Positif Press, 1977).

⁶⁸ This episode is recounted by David S. Knight in 'The battle of the organs, the Smith organ at the Temple and its organist', *Journal of the British Institute of Organ Studies*, 21 (1997), 76–99.

2. THE PUBLICATIONS

- 2.1 Cheryll Duncan and David Mateer, 'An Innocent Abroad? Caterina Galli's Finances in New Handel Documents', *Journal of the American Musicological Society*, 64/3 (2011), 495–526.

<http://www.jstor.org/stable/10.1525/jams.2011.64.3.495>

- 2.2 Cheryll Duncan, 'Geminiani v. Mrs Frederica: Legal Battles with an Opera Singer', in *Geminiani Studies*, ed. Christopher Hogwood (Bologna: Ut Orpheus, 2013), 399–411.

GEMINIANI v. MRS FREDERICA: LEGAL BATTLES WITH AN OPERA SINGER

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The title of this essay sits a little uncomfortably with regard to a composer whose reputation today rests exclusively on his sonatas, concertos and treatises.¹ Geminiani's preference for instrumental over vocal genres did not escape the notice of later commentators such as Sir John Hawkins:

[...] his compositions, elegant and ornate as they were, carried in them no evidences of that extensive genius which is required in dramatic music; nor did he make the least effort to show that he was possessed of the talent of associating music with poetry, or of adapting corresponding sounds to sentiments [...]²

This single-mindedness had serious repercussions for Geminiani's public appeal, as Hawkins later points out:

[...] it must be observed, that as he had never attempted dramatic composition of any kind, he drew to him but a small share of the public attention, that being in general awake only to such entertainments as the theatres afford. The consequence whereof was, that the sense of his merits existed only among those who had attained a competent skill in the practice of instrumental harmony [...]³

¹ Only one original vocal work, an early cantata, *Nella stagione appunto*, for soprano and basso continuo (H. 300) is definitely attributed to Geminiani in *CARERI*, p. 292. However an aria *Primo Cesare, ottomano* (H. 310) is found as the last item in Smith, John Stafford. *Musica Antiqua*, 2 vols, London, Preston, 1728, vol. ii, p. 208. Other attributed vocal works, including one number, *If ever a fond inclination* (H. 321), in the ballad-opera *Love in a Village*, are adaptations of Geminiani's instrumental compositions.

² *HAWKINS*, v, pp. 239-240.

³ *Ibidem*, pp. 420-421.

Geminiani may not have left us any operas, but he was not a total stranger to the theatre. A number of references in contemporary letters and newspapers bear witness to his association with various productions on the London stage, and his instrumental works were performed as entr'acte music on many occasions. However, his efforts to develop a career in the theatre were largely unsuccessful and short-lived. Documents recently discovered among the legal records held by The National Archives at Kew in London help us to understand why that was the case.

Hawkins' view that Geminiani enjoyed the patronage of a coterie of admirers rather than the acclaim of wider audiences is substantiated by Charles Burney, according to whom "Geminiani was seldom heard in public during his long residence in England".⁴ The restriction that this must have placed on his earning power as a performer was doubtless the reason why he chose to forge a largely independent living through a portfolio of varied activities. He continued to give occasional concerts in London, and during the early 1740s played a number of times at the Little (or "New") Theatre in the Haymarket. However, for the 1744-1745 season there he was preoccupied with an altogether more ambitious project — the production of a new pasticcio opera in three acts entitled *L'Incostanza Delusa*. On 6 February 1745 *The General Advertiser* carried the following announcement:

MR. GEMINIANI proposing to have a Pastoral Opera, call'd L'INCOSTANZA DELUSA, Perform'd at the *New Theatre* in the *Haymarket*, the 9th Instant, and Having neither spared Pains nor Expençe to render it an agreeable Entertainment, he hopes his Endeavours will merit the Approbation and Encouragement of the Publick.

The libretto of this 'Pastoral Opera' was by Francesco Vanneschi (d. 1759), who had worked for Lord Middlesex's opera company as poet and impresario at the King's Theatre since 1741.⁵ Geminiani's precise role in the production is unclear, but he probably put the music together and acted as director for the performances, all of which took place on Saturdays (February 9, 16 and 23, March 2, 9, 16, 23 and 30; April 6 and 20). Certainly he did not lead the orchestra on these occasions, that particular task being entrusted to the Italian violinist Nicolò Pasquali (c1718-1757), who came to England about 1743. Burney recounts how, at a rehearsal of the opera, "Geminiani [took] the violin out of [Pasquali's] hands, to give him the style and expression of the symphony to a song, which had been mistaken, when first led

⁴ BURNLEY, iv, p. 643.

⁵ Weaver, Robert Lamar. 'Vanneschi, Francesco', in: *NG*.

off".⁶ According to the fourth Earl of Shaftesbury, the only music contributed by Geminiani himself was the overture and a concerto (possibly one of his new *Concerti Grossi* Op. 7 which were intended for publication the following year) performed between the acts.⁷ The main musical content of the pasticcio consisted of new songs by the enigmatic Count of Saint Germain (d. 1784), together with two arias by Giuseppe Ferdinando Brivio (d. c1758) taken from his earlier opera *L'Incostanza Delusa* (Milan, 1739).⁸ Six of these arias were published by John Walsh as *The Favourite Songs from the Opera Called "L'Incostanza Delusa"* (London, 1745); Walsh also names the singers who performed the arias, which is particularly useful as the wordbook, published by J. Hughes (London, 1745), contains no cast list: four of the arias were sung by Giulia Frasi (soprano), and two by Caterina Galli (mezzo-soprano).⁹ By comparing Walsh's texts with the wordbook it is possible to ascertain that Galli sang the role of Filandro (first man) and Frasi that of Corina (first woman). One of the arias sung by Frasi, Saint Germain's 'Per pietà bell'Idol mio', was evidently encored every night.¹⁰ Further testimony to the popularity of this aria is evident from a house in Richmond occupied by Handel's associate Johann Jacob Heidegger, where an extract from the music serves as the subject for a wall painting; this was probably the work of Antonio Joli (c1700-1777), who was employed as a scene-painter at the King's Theatre during the 1740s.¹¹ Overall, however, *L'Incostanza Delusa* was not well received; three days after the opening night, the fourth Earl of Shaftesbury reported that "Geminiani's opera [...] went off I hear most wretchedly last Saturday, and people don't seem inclined to favour it at all".¹² Thomas Harris further confirmed that "Geminiani's new opera had but bad success, there being a thin house on Saturday last".¹³

Apart from Frasi and Galli, the only other singer who can be identified with any certainty is a "Mrs. Frederica", for whose benefit the performance of *L'Incostanza Delusa* was given on 6 April; from the wordbook it is possible to identify her role as

⁶ BURNLEY, iv, p. 452.

⁷ Letter of 12 February 1745 from the fourth Earl of Shaftesbury to James Harris; see Burrows, Donald - Dunhill, Rosemary. *Music and Theatre in Handel's World: The Family Papers of James Harris 1732-1780*, Oxford, Oxford University Press, 2002, p. 214.

⁸ Hansell, Sven. 'Brivio, Giuseppe Ferdinando', in: *NG*.

⁹ For more information on the latter singer, see Duncan, Cheryll - Mateer, David. 'An Innocent Abroad? Caterina Galli's Finances in New Handel Documents', in: *Journal of the American Musicological Society*, lxiv/3 (2011), pp. 495-526.

¹⁰ BURNLEY, iv, p. 452.

¹¹ Croft-Murray, Edward. 'The Painted Hall in Heidegger's House at Richmond: ii', in: *The Burlington Magazine for Connoisseurs*, lxxviii (May 1941), p. 155.

¹² Letter to James Harris, 12 February 1745; see Burrows, Donald - Dunhill, Rosemary. *Op. cit.* (see note 7), p. 214.

¹³ *Ibidem*; letter to James Harris, 14 February 1745.

that of Orsinda, the only other female part.¹⁴ Very little is known about Mrs Frederica apart from her various London addresses; according to *The Daily Advertiser*, she was living “in Sherrard-Street, facing Queen-Street, near Golden-Square” at the time of her benefit. She is not heard of again until July 1750, when she gave two concerts in Amsterdam with her seven-year-old daughter Cassandra, who played the harpsichord.¹⁵ Evidently something of a prodigy, Cassandra gave a number of concerts in London in which she used the Anglicized form of her surname, “Frederick”. Tickets for these events were advertised as being available from “Mrs. Frederick’s in Wardour-Street, Soho, near Meard’s Court”.¹⁶ In the autumn of 1750 Mrs Frederica presented her daughter at the fashionable spa resort of Bath, and sang in Cassandra’s benefit concert at Wiltshire’s Room on 26 November alongside the up-and-coming alto castrato Gaetano Guadagni.¹⁷ The Fredericas returned to Bath the following year when Cassandra’s benefit on 11 November listed her mother and Francesca Cuzzoni as principal vocalists.¹⁸ Two weeks later, “Seigniora Frederica” and her daughter were in Bristol for a benefit at the Assembly Room, St Augustine’s Back, in which the young harpsichordist played “a Concerto of Mr. Rameau, the first Concerto of Mr. Handell, and several Lessons from the Great Masters”.¹⁹ On 15 October 1755 mother and daughter advertised themselves as music teachers in *The Public Advertiser*:

MRS. FREDERICA, and her Daughter CASSANDRA, propose to instruct on reasonable Terms, all such Ladies, and young Persons (not under five Years of Age) as may be desirous of being taught the Harpsichord, or Singing, at her Lodgings at Mr. Paradie’s, in Wardour-street, Soho.²⁰

¹⁴ A letter from the fourth Earl of Shaftesbury to James Harris on 17 January 1745 states that, alongside “chief singers” Galli and Frasi, “Bettina the dancing woman is also to sing”. This presumably referred to the Neapolitan dancer Signora Bettina who first came to England in 1741 to perform at the King’s Theatre. Burrows and Dunhill suggest that her involvement is unlikely because Bettina was advertised as dancing at Drury Lane on nights when *L’Incostanza Delusa* was playing (*ibidem*, p. 211).

¹⁵ Dean, Winton. ‘Frederick, Cassandra’, in: *NG*. Cassandra Frederick went on to enjoy a successful career as a mezzo-soprano, being engaged by Handel as an oratorio singer from 1758. Dean is unsure about the relationship between Mrs Frederica and Cassandra, but it can now be confirmed that they were mother and daughter.

¹⁶ See, for example, *The General Advertiser*, 26 March 1750.

¹⁷ James, Kenneth Edward. *Concert Life in Eighteenth-Century Bath*, Ph.D. Diss., University of London, 1987, p. 617; and *The Bath Journal*, 19 November 1750.

¹⁸ James, Kenneth Edward. *Op. cit.* (see note 17), p. 571; and *The Bath Journal*, 4 November 1751.

¹⁹ Jenkins, John S. ‘Leopold Mozart’s Madame Wynne: Look to the Lady’, in: *The Musical Times*, no. 142 (Spring 2001), p. 29.

²⁰ Domenico Paradies (1707-1791) arrived in London in 1746 and, according to Leopold Mozart, took charge of Mrs Frederica and her children after the death of her husband; see *The Letters of Mozart and His Family*, edited by Emily Anderson, London, Macmillan, 1988, p. 92.

The final mention of “Signora Frederica” in the press is on 20 April 1762, when she sang in a benefit concert for the flautist Joseph Tacet at the Great Room in Dean Street, Soho, performing alongside the beneficiary and the violinist Felice de’ Giardini.²¹ Surviving evidence, therefore, suggests that *L’Incostanza Delusa* was the only operatic venture in which Mrs Frederica participated. Even so, her involvement in the season was cut short when she and Geminiani fell out over the agreement they had struck regarding the terms of her benefit, and he took her to court. In the theatre his retribution was swift; a newspaper advertisement for the next and (as it happened) final performance of *L’Incostanza* on 20 April announced that: “Signora Frederica’s Part will be perform’d by Mrs. Arne”.²² In court, on the other hand, the legal proceedings were considerably more protracted and much less decisive.

Geminiani lost no time in bringing a bill of complaint against Frederica in the court of King’s Bench. The singer was summarily arrested and would have been incarcerated had she been unable to find bail. Sureties were at first provided by “Christian Avolio Widow”, though the court later ordered that her name be removed from the bail piece, that is, the document recording the nature of the bail granted to the defendant.²³ Geminiani had to wait until Michaelmas 1745 before presenting his case, and even then it was immediately adjourned to the following term.²⁴ The preamble to the litigation states that this is an action in trespass on the case, that is, an action to recover damages that are not the immediate result of a wrongful act but rather a later consequence. Geminiani states that on 6 February 1745 he obtained a licence from Charles Fitzroy, Duke of Grafton, the then Lord Chamberlain, to perform “a certain Italian Opera called in the Italian Tongue by the Name of La Inconstanza Delusa on Twelve different Times at a certain House or Theatre scituate in the Parish of St. James [...] Westminster [...] called the little Theatre in the Hay Market”. In fact, the opera received only ten performances, probably because of disappointing audience numbers. On the same day, Geminiani agreed that one of the performances should be a benefit for Mrs Elizabeth Frederica; it is only from these and other legal proceedings, to be discussed later, that we learn her given name.

The term ‘benefit’ is used here to describe a special theatrical performance intended to benefit financially a playwright, actor/singer, theatrical employee, or charitable cause. The benefit was of vital importance to performers in the eighteenth-

²¹ *The Public Advertiser*, 3 April 1762.

²² *The Daily Advertiser*, 20 April 1745. Mrs Arne was formerly Cecilia Young, one of Geminiani’s pupils.

²³ The National Archives (hereafter TNA): KB125/129, King’s Bench Rules and Orders. This volume is unpaginated, but the relevant heading is “Wednesday next after fifteen Days of the Holy Trinity in the 20th [*recte* 19th] year of King George the 2^d”, i.e. 26 June 1745. Christina Maria Avoglio is best remembered today for singing the principal soprano part at the first performance of *Messiah* in Dublin on 13 April 1742.

²⁴ TNA: KB122/213 (Hilary 1746), rot. 667.

century London theatre, since the income it produced was a crucial supplement to their ordinary salary. Originally such occasions arose in response to special needs; theatre managements allowed actors in their companies or their families who found themselves in straitened circumstances to canvass public support, but by the end of the eighteenth century the system of annual benefits for all members of the theatre, including its lesser personnel, had become part of the regular season. It was much vilified on the grounds that managers were able to depress performers' salaries by the promise of a benefit, and that it forced performers and others who hoped to augment their meagre incomes to become virtual beggars in soliciting audiences. Nevertheless, the system whereby performers and managers negotiated a share of the gross proceeds persisted throughout the nineteenth century. Basically there were five types of benefit. The most desirable, but also the rarest, was the 'clear' benefit by which the beneficiary received all the receipts, the management picking up the bill for the house charges, i.e. for printing, lighting and the use of the theatre, as well as the wages of stage staff, other performers, orchestra, front of house officials, and the like. In the 'half-clear' benefit the beneficiary made an equal division of the gross receipts of the night with the manager, the latter paying the charges. The most common form was the 'whole' benefit, which involved the deduction from the receipts of a sum sufficient to meet the house charges. A variant of this arrangement more favourable to the performer was the 'guaranteed' benefit, in which he/she received an agreed sum, with the management making up the difference even if the house takings did not cover the sum assured. In a fourth kind, the 'half' benefit, profits above the charges were shared equally between performer and management. Finally, there was the group benefit, in which several minor functionaries of the theatre were joined together as recipients of a 'whole' or 'half' benefit.²⁵ However, these categories were not rigidly set, and great variety was possible in the terms negotiated between management and performers.

For Mrs Frederica's benefit it was agreed that she should have the use of the performing materials — the so called 'Musick Books' — that Geminiani had put together. In recompense she was to pay him 12 guineas out of the profits on the night, but should those profits come to less than that sum, then he was to receive them all. (This is an interesting variation on the 'whole' benefit, with the performer having to bear additional costs to protect Geminiani's share.) A third party, one Samuel Righton, was appointed to receive and distribute the money under the terms of the agreement. Geminiani and Mrs Frederica then pledged to uphold their

²⁵ This paragraph draws on Troubridge, St Vincent. *The Benefit System in the British Theatre*, London, Society for Theatre Research, 1967.

respective sides of the undertaking, and the said benefit took place as agreed on 6 April following. However, although the profits from this performance “then and there amounted to a large Sum of Money”, they came to less than the specified 12 guineas, “to wit to the sum of twelve Pounds and Eleven Shillings”; the closeness of this sum to the required 12 guineas should alert one to the possibility that we are dealing here with a legal fiction. We then come to the essence of Geminiani’s complaint, which is that “the said Elizabeth not regarding her said last mentioned Promise and Undertaking but contriving and fraudulently intending craftily and Subtilly to deceive and Defraud the said Francis in this respect[,] hath not yet paid the said last mentioned Sum of twelve Pounds and Eleven Shillings or any part thereof [...] nor permitted the said Samuel to pay him”.

The litigation then does something characteristic of seventeenth- and eighteenth-century pleas of trespass on the case: it repeats the first count virtually word for word. We read for a second time how, on 6 February 1745, Geminiani obtained a licence to perform the said opera twelve times; how he agreed that Elizabeth Frederica should have one of the performances as her benefit; how she was to have use of the ‘Musick Books’ for which she was to pay him either 12 guineas out of the profits, or all the profits should they not come to so much; and how they had both agreed to keep their side of the bargain. The second count differs from the first only in one important respect: the profits from Mrs Frederica’s benefit on 6 April amounted this time “to twelve Guineas and more”. Geminiani complains once more that the singer has refused to pay what had been agreed should be paid in the circumstances.

These allegations are then reiterated almost *verbatim* in a third count. One might reasonably ask oneself at this stage: what is going on here? How can the same performance on the same day in the same venue produce profits that are at once above and below the twelve guinea benchmark? What is the reason for such prolixity and redundancy? Contemporary handbooks of legal practice provide an explanation; they tell us that it is usual, particularly in cases of debt and simple contract, and in actions on the case, to set forth the plaintiff’s cause of action in various shapes in different counts, so that if the plaintiff should fail in the proof of one count he/she may succeed on another. Thus in an action for a breach of promise of marriage, if the defendant promised to marry upon a particular day, the first count is framed accordingly, but for fear the plaintiff should not be able to prove such particular promise, it was usual, where the evidence may probably support the allegation, to add a count to marry on request, another to marry in a reasonable time, and another to marry generally. In other words, the pleader had to frame in alternative counts all

the possible forms which an implication might take, in the hope that one of them would be upheld on the evidence.

This use of multiple counts can clearly be seen as Geminiani's case unfolds. He next claims that on 1 May 1745 Elizabeth owed him £20 which she promised to pay (count 4). He then states that, on the same day and year aforesaid, she owed him another £20 "for the Use of divers Theatrical Habits Dresses and Musick Books of the said Francis by the said Francis before that Time let to hire to the said Elizabeth" (count 5). And finally Geminiani claims that, on the day and year aforesaid, at Elizabeth's instance and request, he hired to her "certain other Theatrical Habits Dresses and certain other Musick Books of the said Francis to be used by the said Elizabeth in and about her Business" (count 6). He states that these items had been used "for a long Time then elapsed", and that Elizabeth had promised to pay him "so much money as he reasonably deserved to have", which Geminiani says was £20.²⁶ He claims that by 10 May she had "not yet paid the three last mentioned several Sums of Money or any part thereof"; in fact, there was only one sum of £20, not three — so he claims his loss amounts to £20.

The case reached court in the Hilary term of 1746, until which time Elizabeth had leave to imparl to Geminiani's bill, that is, she was granted time to consider what answer she should make to the plaintiff's action. Geminiani was represented in court by his attorney, but Elizabeth appeared in her proper person. She denied any wrongdoing and said "that she did not take upon herself and promise in manner and form as the said Francis hath above declared against her And of this she puts herself upon the Country", that is, she was prepared to submit her case to trial by jury. A date was then fixed for this, namely, the Monday after Ascension (i.e. 12 May 1746). However, proceedings never reached that stage, and the record of the case, so far as the plea roll is concerned, simply peters out. One can often assume, in instances where no judgment is entered, that an out-of-court settlement was brokered between the parties before the date of trial. However, that cannot have happened here, as the court's rules and orders demonstrate. Under the heading for Wednesday 16 April 1746, the following entry appears against a list of cases that includes Geminiani v. Frederica: "Monday next after three Weeks from Easter Day [21 April] is given to the Plaintiff to reply and enter the Issue[;] otherwise Let a Non pross be Entered".²⁷ Geminiani failed to comply with this order and was consequently "nonprossed", i.e. the court ruled that proceedings should be halted because of the discovery of some

²⁶ This count is known in legal parlance as a *quantum meruit* ('as much as he has deserved'). It was used as a possible measure of restitution where a contract had not fixed a price.

²⁷ TNA: KB125/129, s.v. "Wednesday next after fifteen Days from Easter in the 19th year of King George 2^d 1746".

error or defect in them, and the plaintiff was obliged to renounce his suit. The nature of the flaw that proved so fatal to his case would soon be revealed.

Nothing daunted, Geminiani presented another bill of complaint against Elizabeth at Easter 1747, this time in the Court of Exchequer, consisting essentially of the same set of grievances.²⁸ The Exchequer was primarily the place where the King's debtors were called to account; secondarily it was a court of law in which cases affecting the rights and revenues of the Crown were heard and determined. The Exchequer Court had two sides — a common law jurisdiction (the 'Exchequer of Pleas') and an equity side. In the latter anyone could file a bill against another claiming that he was the King's accountant; a person indebted to the Crown could sue in this Court upon a suggestion of *quominus*, that is, of his being 'the less' able to satisfy the Crown by reason of the cause of action he had against the defendant. Until the middle of the seventeenth century, litigants had to have some genuine connection with the royal revenue, but from 1649 this connection persisted only as a legal fiction for most plaintiffs, and the application of the writ of *quominus* was eventually so far extended that practically everyone might institute in the Exchequer proceedings in any personal action. This is why Geminiani's bill begins: "Francis Geminiani of the Parish of Saint Ann Soho in the Liberty of Westminster and county of Middlesex Gentleman Debtor and Accountant to his Majesty".

There are significant as well as minor differences between the King's Bench and Exchequer bills. In the latter, after claiming to have "composed or set to Musick a certain Italian Opera called [...] L'Incostanza Delusa", Geminiani provides a more detailed account of how he and Elizabeth negotiated the terms of the singer's benefit night. At first she wanted "one of the said twelve Nights for the mutual Benefit of her [...] and your Orator" [i.e. Geminiani]; she proposed "that all the clear gains and profits [...] should be equally divided between the said Elizabeth Frederica and your Orator in equal Moieties"; and she offered to pay half of the house charges. This is a 'half-clear' benefit, but with the performer paying half the charges.

In order to persuade Geminiani to agree to this proposal, Elizabeth assured him that she "had great Interest with many persons of Quality and Fortune and by means thereof would procure a full Audience at the performance". This first attempt to reach an agreement fell through because she insisted on employing someone to receive the night's takings of whom Geminiani did not approve. Elizabeth then came back with the proposition we know about from the King's Bench bill, namely that the performance should be "for the Sole benefit and advantage of the said Elizabeth Frederica and that your Orator would let her [...] have the use of the Orator's said

²⁸ TNA: E112/1211/2409

Musick Books for the Several performers [...] and the said Several Cloths Habits and Dresses to be worn by the several Singers in the said Opera". In return she was to give Geminiani 12 guineas from the takings after charges had been deducted. In addition, she was to pay out of her own pocket the wages of two of her fellow singers, Giulia Frasi and Caterina Galli — a clause omitted from the King's Bench bill. One can understand why Geminiani was so insistent that their salaries should not be reckoned as part of the house charges, but should be met by Frederica alone. The size of his cut depended on the size of the profits (the greater the profits, the greater his chances of receiving 12 guineas); but the size of the profits depended on the house charges (the fewer of those there were the greater his chances of getting his 12 guineas); so to minimize the assessed charges Geminiani made Frederica responsible for the fees of his two leading singers. However, if the profits did not amount to 12 guineas, then Geminiani was to receive whatever profits there were. He stipulated that his cut should be paid directly to him by the person appointed to receive the money, i.e. by Samuel Rington, who we learn was a jeweller of St Martin-in-the-fields. Frederica's benefit went ahead as planned and, although Geminiani claimed that the monies that remained after payment of house charges "amounted to a very large Sum", Frederica and Rington "hath absolutely refused either to pay your Orator the said Sum of Twelve Guineas or to come to a just and fair Account with your Orator". Geminiani states that the singer had tried to justify her actions by claiming, amongst other things, that he never obtained a licence from the Lord Chamberlain, that he did not "compose or Set to Musick the said Opera nor had any property therein", that she never had the use of his music books and costumes, and that the box-office receipts were insufficient to defray the cost of mounting the opera.

He then touches on what was undoubtedly the reason for the removal of his suit from King's Bench a year earlier, and why he is now resorting to equity:

Elizabeth Frederica pretends that she is not accountable to your Orator for the said Sum of Twelve Guineas in Regard that she was a Feme Covert at the time of making the said Agreement[,] being then Married to one John Frederica who was then and is still living in Petersbrough in the Kingdom of Russia and therefore that she the said Elizabeth Frederica was not bound by her said Agreement with your Orator.

In law French a *feme covert* was a married woman, as opposed to a *feme sole* (a spinster or widow); her husband was her *baron* (lord), and her 'coverture' was the state of being a married woman under the protection of her *baron*. Today a married woman has a separate legal identity with full power of acquiring, holding, and

dealing with any kind of property; but this has not always been the case. Before the Married Women's Property Act (1882), husband and wife were one person in law, the legal personality of the woman being subsumed in that of the man. Accordingly, a married woman was in general incapable of acquiring, holding, or alienating any property. Money and personal chattels belonging to the wife at the time of her marriage, or acquired by her during it, were vested in the husband absolutely. During coverture she lost the capacity to own separate property or make contracts; and crucially she could not sue or be sued at common law without her husband.

Almost certainly Frederica invoked her coverture as a defence against Geminiani's bill in King's Bench, thus causing the case to be discontinued. Having initially failed to achieve justice at common law, Geminiani was driven to seek relief on the equity side of the Exchequer. The word 'equity' is synonymous with natural justice, and is often used in contrast with the strict rules of the common law. Equity is therefore recourse to principles of justice that seem naturally fair and right in order to correct or supplement the law as applied to particular circumstances.²⁹

In his Exchequer bill Geminiani puts the case even more forcefully than he did in King's Bench, claiming that in the presence of witnesses

[...] the said Elizabeth Frederica did declare [...] before the making of the said Agreement that her said Husband was Dead[,] and did Wear Mourning Cloths on Account of the Death of her said Husband [...] and did pass for a Widow[.] And your Orator Charges that in case [i.e. if] the said Elizabeth Frederica was ever married and her Husband is now living[,] that he never resided in his Majestie's Dominions but at some remote place beyond the Seas and not amenable by the process of this honourable Court.

Geminiani is making an important legal point here, which we find most clearly expressed in the first book of Sir William Blackstone's *Commentaries on the Laws of England*. After defining a married woman's position before the law and emphasizing that she cannot be sued without making her husband a defendant, Blackstone adds the following qualification:

²⁹ In England the major court of equity was Chancery, but the Exchequer also exercised an equitable jurisdiction until 1841.

There is indeed one case where the wife shall sue and be sued as a feme sole, viz. where the husband has abjured the realm, or is banished: for then he is dead in law; and, the husband being thus disabled to sue for or defend the wife, it would be most unreasonable if she had no remedy, or could make no defence at all.³⁰

Geminiani's legal team is arguing that, even if Elizabeth is married, she *is* still suable as a single woman because her husband is beyond the reach of British justice.

Finally, Geminiani insists that, since Frederica and Righton had collected the takings for her benefit night, she "ought to pay the Expences thereof or indemnify your Orator from the same". He repeats his demand for the 12 guineas (or the residue of the profits after charges had been deducted), and complains that, since Frederica had neglected to pay the other performers and the landlord or owner of the theatre, they were threatening to sue him for their money. He claims that should they try to sue her, she would plead her coverture in bar of such actions. He declares that "All of which Actings doings and pretences are contrary to Equity and good Conscience", and that he is "wholly remedyless in the premises by the Strict Rules of Law". He therefore petitions the court to issue writs of subpoena to secure the attendance of Frederica and Righton to answer his complaint. Most frustratingly, however, Geminiani's bill is all the documentation we have for the case in its Exchequer version. Indeed, one suspects that that is all there ever was, and that Mrs Frederica quickly settled out of court.

The litigation discussed above throws new light on the activities and character of one of the most versatile figures in the musical life of eighteenthcentury Britain. *Geminiani v. Frederica* illuminates the circumstances surrounding the production of *L'Incostanza Delusa*, a hitherto obscure corner of the London operatic scene in the mid-1740s. As the person who negotiated the terms of Frederica's benefit, and the owner of the performing materials and costumes used for the run, it is possible to identify Geminiani as the managerial force behind the venture. Undaunted by the singer's legal ducking and weaving, he tenaciously pursued her through two courts, convinced by the rightness of his cause. The documents show how a woman prior to the 1882 Married Women's Property Act could manipulate the law on coverture in order to plead immunity from prosecution for breach of contract. Whereas hitherto Frederica was known only by the title of 'Mrs.', the documents specify her first name, Elizabeth, and suggest a reason why she was summarily dropped after her benefit performance and replaced by Mrs Arne for the final night. The case provides

³⁰ Blackstone, William. *Commentaries on the Laws of England*, 4 vols, Oxford, Clarendon Press, 1765-1769; facsimile edition, Chicago, University of Chicago Press, 1979, vol. i, p. 431.

a valuable insight into the benefit system, about which far less is known for musicians than for actors, and demonstrates the shifting demands and compromises that management and performer were required to make in order to reach an agreement.³¹

³¹ Mrs Frederica was not the only singer with whom Geminiani engaged in litigation. For an account of his legal battle with the castrato Giuseppe Manfredini in 1751, see Duncan, Cheryll. 'Castrati and impresarios in London: two mid-eighteenth-century lawsuits', in: *Cambridge Opera Journal*, xxiv/1 (2012), pp. 43-65.

- 2.3 Cheryll Duncan, 'Castrati and impresarios in London: two mid-eighteenth-century lawsuits', *Cambridge Opera Journal*, 24/1 (2012), 43–65.

<http://www.jstor.org/stable/23256493>

- 2.4 Cheryll Duncan, ‘‘A Debt contracted in Italy’’: Ferdinando Tenducci in a London court and prison’, *Early Music*, 42/2 (2014), 219–229.

<http://em.oxfordjournals.org/content/42/2/219.full.pdf.html>

- 2.5 Cheryll Duncan, ‘‘Young, Wild, and Idle’’: New Light on Gaetano Guadagni’s Early London Career’, *The Opera Journal*, 46/1 (2013), 3–28.

“Young, Wild, and Idle:” New Light on Gaetano Guadagni’s Early London Career

by Cheryll Duncan

Castrato singers are perhaps the most fascinating group within the eighteenth-century music profession, and a bibliography of recent writings about them would run to many pages. Yet, we still have much to learn about their personalities, their lifestyles and how their careers developed. It is well known that many of the castrati who came to live and work in London were frequently lampooned by contemporary satirists for excesses of vanity, arrogance and the enormous salaries they commanded, but it is often difficult to substantiate these negative perceptions and disentangle the few fragmentary facts from masses of speculation, hearsay, and prejudice. Hard documentary evidence relating to castrati rarely comes to light, so researchers will doubtless welcome the recent discovery of new material that adds to the store of biographical knowledge about the celebrated *evirato* Gaetano Guadagni (1728-92) during his first period of residence in England (1748-55). This new evidence consists of two very different types of information, which accounts for the bipartite structure of this article. Part one draws heavily on contemporary newspapers, and illuminates his activities as a performer and composer in London’s concert rooms and opera houses; the second part focuses atten-

tion on a case among the legal records of the court of King's Bench, held by The National Archives at Kew in London, in which he became embroiled as defendant. The significance of this lawsuit is that it actually corroborates some of the aforementioned stereotyped attitudes to castrati, particularly those concerning their profligacy and vanity, and generally shows Guadagni in a less than favorable light. The latter archival find enables us to assess the accuracy of the image that eighteenth-century critics painted of his profession, and presents a rare opportunity to re-evaluate the singer's character and reputation. Factual duplication with research already in the public domain has been kept to a minimum consistent with clarity of exposition and the placement of this new material in context.

Best remembered today for creating the role of Orpheus in the first version of Gluck's *Orfeo ed Euridice* (Vienna, 1762), Cosimo Gaetano Guadagni was one of the most famous castrati of the second half of the eighteenth century. He was born in Lodi, near Milan, on 16 February 1728, the third of five children who all became professional musicians.¹ In July 1746 he was appointed to a contralto's place in the *cappella* of San Antonio, Padua, on the recommendation of the composer and theorist Francescantonio Vallotti, who was *maestro di cappella* there. Three months later the teenager requested and obtained leave of absence from his duties at the basilica, which enabled him to undertake minor operatic roles in Treviso and Venice.² However, in the autumn of 1748 he took unauthorized leave from Padua to travel to England—an early sign, perhaps, of the singer's willfulness that would later become legendary. As first *amoroso* in the *buffo* company managed by Giovanni Francesco Crosa, Guadagni made his London debut at the King's Theatre in the Haymarket on 8 November as Celindo in Rinaldo di Capua's *La commedia in commedia*.³ The

composer, teacher and music historian Charles Burney, who later claimed to have had a hand in advancing Guadagni's career, had mixed feelings about his former pupil, both as a person and as a singer. Burney showed an appreciation of the glories as well as the limitations of his voice, describing it as a "very fine counter-tenor" that was "clear, sweet, and full," but pointing out that his vocal range was somewhat restricted, being "of only six or seven notes compass;" he also considered the singer to be "very young, wild, and idle".⁴ Elsewhere in his writings Burney used the epithet "wild" to describe Guadagni's performing style early in his career, but it is clear from context that that meaning was not the one intended here.⁵ If one accepts the view that there is some doubt about the above appraisal of the young man's voice, then one cannot deny that the unflattering estimation of his character had some basis in fact. Within a few months of arriving in London Guadagni was the talk of the town, and the butt of society gossips like Horace Walpole who, in a letter to his friend Horace Mann dated 23 March 1749, relates the following ribald tale about the singer's sexual liaison with an Italian lady, and the degradation subsequently visited on him by her vengeful lover:

Delaval, a wild young fellow, keeps an Italian woman, called the Tedeschi. He had notice one day that she was actually then in bed with Guadagni, a handsome young eunuch, who sings in the burlettas. The injured cavalier takes one of his chairmen and a horsewhip, surprises the lovers, drags them out of bed, and makes the chairman hold Mars, while he flogged Venus most unmercifully. After that execution, he takes Guadagni, who fell on his knees and cried and screamed for mercy – 'No, Sir,' said Delaval, 'I have another sort of

punishment for you,' and immediately turned up that part, which in England indeed is accustomed to be flogged too, but in its own country has different entertainment—which he accordingly gave it.⁶

The affronted 'cavalier' was Francis Blake Delaval (1727-71), who "by his wit and gallantry, his dissipation and extravagance ... had become conspicuous among the men of fashion of the reign of George II".⁷ 'Venus' was presumably the soprano Caterina Tedeschi, who may have sung in single performances of Gioacchino Cocchi's *La maestra* and Leonardo Leo's *La finta frascatana* at the King's Theatre respectively on 31 December 1748 and 28 February following.⁸

More open to question, perhaps, is Burney's description of Guadagni as "idle," if by that word he meant to imply that the singer was work-shy or indolent, for a brief examination of his professional engagements in London and elsewhere reveals that he was anything but inactive. Apart from singing in aid of such charitable institutions as the Foundling Hospital, the Small Pox Hospital, and the Hospital for Lying-in Women, he regularly participated in the concerts of vocal and instrumental music given at the King's Theatre in support of "Decay'd Musicians." However, most of his benefit appearances were for fellow professionals who were still able to work. These included the singer and harpsichordist "Miss Turner," the blind Welsh harper John Parry, the violinist and composer Carlo Chiabrano ("Signor Chabran"), and the singers Giulia Frasi, Christina Passerini (and her husband, the violinist/composer Giuseppe), and Nicola Ranieri (castrato). Shortly before the Crosa company went bankrupt in April 1750, Guadagni caught the attention of Handel, who hired him as a soloist for his Lenten season of oratorios at Covent Garden. Burney claimed that the castrato, who

had been “but little noticed by the public” before his encounter with Handel, came to him for lessons in singing English:

[Guadagni’s] voice was then a full and well toned counter-tenor; but he was a wild and careless singer. However, the excellence of his voice attracted the notice of Handel, who assigned him the parts in his oratorios of the *Messiah* and *Samson*, which had been originally composed for Mrs. Cibber; in the studying which parts, as I often saw him at Frasi’s, whom I then attended as her master, he applied to me for assistance. During his first residence in England, which was four or five years, he was more noticed in singing English than Italian.⁹

Guadagni first performed for Handel on 2 March 1750 when he took the part of David in a revival of *Saul*, and a week later he sang the Israelite Man in *Judas Macabaeus*.¹⁰ On 16 March he created the role of Didymus in *Theodora*, and when Handel revived *Samson* later in the season he made a number of changes to the score to enable the castrato to undertake the role of Micah. For a performance of *Messiah* on 12 April the composer also recast for him two arias written originally for bass—“But who may abide the day of his coming?” and “Thou art gone up on high.” Even in Handel’s lifetime these ‘Guadagni’ versions displaced the previous settings, and they are the ones most often performed today. In later seasons he repeated many of these oratorio roles, in addition to which he probably sang Cyrus in *Belshazzar* (1751), Hercules in *The Choice of Hercules* (1751 and 1753), Ahasuerus in *Esther* (1751), and possibly Hamor in *Jephtha* (1753), as well as the title role in *Joseph and his Brethren* (1755).

In the autumn of 1750 Guadagni left the capital for the west of England, and gave concerts in a number of provincial centres en route to Bristol and the fashionable resort city of Bath.¹¹ On 25-26 September he was at Devizes in Wiltshire, where he sang sacred repertoire at St John's church in the morning and later took part in a "Grand Concert of Vocal and Instrumental Musick, at the Town-Hall."¹² According to the London press he also participated in the annual festival of St Cecilia in Salisbury on 4-5 October in performances of Handel's *L'Allegro ed il Penseroso* and *Messiah*.¹³ At Wiltshire's Great Room in Bath he sang in two benefits for the child prodigy Cassandra Frederick; he joined forces with Caterina Galli on 5 November and with the beneficiary's mother Mrs. Elizabeth Frederica three weeks later.¹⁴

Back in London by the beginning of 1751, Guadagni was engaged as Tirsi in Domenico Paradies's 'Pastoral Opera' *La forza d'amore* at the Little Theatre in the Haymarket, with Frasi, Galli, Jane Poitier and the castrato Giuseppe Manfredini taking the other roles.¹⁵ He also sang at the concert in support of destitute musicians on 16 April, at which he shared the platform with the ageing diva Francesca Cuzzoni, who had performed for Handel in the 1720s as part of the Royal Academy of Music, and who was bidding the London stage a final and somewhat humiliating farewell. The music she sang was taken from roles Handel had written specially for her: "Falsa imagine" and "Benchè mi sia crudele," two of Teofane's arias from *Ottone* (1723), and the final duet from *Giulio Cesare in Egitto* (1724), "Caro! Bella! più amabile beltà," in which she was joined by Guadagni.¹⁶ The castrato may have had his faults, but the newspapers give the impression that he behaved most generously towards the fading star by making over to her the profits of the concert that had been arranged for his benefit at the Little Theatre on 27 April.¹⁷

Guadagni returned to the west country in the following autumn; he again stopped off in Devizes where he sang for the benefit of “Mr. Orpin” in early October. On 20 November he took part in a benefit concert for “Messrs. Lashly and Leander” at Wiltshire’s in Bath. He performed a number of vocal items of which one was “He was despised” from *Messiah*.¹⁸ It was during his 1751 sojourn in Bath that Guadagni transacted some business with a local tradesman that would come back to haunt him eighteen months later; the legal proceedings arising therefrom are considered in detail in the second part of this article. Shortly afterwards he travelled to Dublin where he remained for some months, until at least 27 April 1752, on which date he is recorded as singing in a benefit performance of *Samson* under the direction of the violinist Matthew Dubourg, then Master and Composer of State Music in Ireland.¹⁹

By early 1753 Guadagni was back in London and heavily involved in two series of subscription concerts at the Great Room in Dean Street, Soho. The first began on 20 January and continued for another eleven Saturdays until 7 April, offering programmes of instrumental pieces, songs, and operatic and oratorio extracts. Most notable for present purposes was the second concert in the series, which included what appears to be one of Guadagni’s earliest compositions.²⁰ The castrato as composer is a phenomenon that has not until recently received much attention.²¹ Castrati were not just highly accomplished singers; many were well-rounded and versatile musicians who from an early age had undergone a rigorous training in instrumental music and theory in addition to their vocal studies. Well equipped to fill most roles in the music profession, they certainly had the skills to write their own songs as well as substitute arias for inclusion in the operas they performed. Guadagni replaced two of Gluck’s numbers in *Orfeo ed Euridice* with his own

music in later performances of that work, and his “Pensa a serbarmi, o cara” was written for use in *Ezio*, in either the setting by Pietro Alessandro Guglielmi (London, 1770) or Ferdinando Bertoni (revived Verona, 1772).²² However, not all of Guadagni’s compositions were to secular texts. In July 1758, during local celebrations marking the election of the bishop of Padua to the papal tiara, the *cappella* of San Antonio under Vallotti’s direction sang a motet by Guadagni in the basilica of San Giustina.²³ The reasons for attributing to Guadagni one of the items in the Dean Street concert of 27 January 1753 are typographical. The programme as it appears in *The London Daily Advertiser* gives details of the vocal pieces in the following form: title (in italic type), composer (in Roman), and performer (in small capitals). Thus in the first half of the concert, *Già più nel seno* by Galuppi, *Non vi piacque ingiusti Dei* by Ciampi, and *My faith and truth* by Handel, were sung by “Miss TURNER,” “Sig. GUADAGNI,” and “Sig. FRASI” respectively. In the second half the third item is listed as: “*A me che giova*, Gaudagni, Sig. GAUDAGNI” [*sic*].²⁴ This song, though no longer extant, appears to be a new addition to the Guadagni catalogue, and provides evidence of his compositional activity some twenty years before he wrote the substitute arias for *Orfeo ed Euridice* and *Ezio*.²⁵

The other concert series in which Guadagni took part in 1753 was organized by Signor Passerini and the oboe-playing Plas.²⁶ It ran for five Thursdays from 15 March to 12 April, and finished on 17 May after an Easter break. Amid this flurry of activity he still found time to sing in François-André Danican Philidor’s concert at Dean Street on 23 February, in various musicians’ benefits, and in Handel’s oratorios during March and April. Around this time Guadagni was peripherally involved in an unpleasant incident during the lead-up to the first performance of Thomas Augustine Arne’s opera *Alfred the Great*. An ad-

vertisement in *The Public Advertiser* on 28 March announced that this “newly composed” work was to be performed “in the manner of an Oratorio” at the Theatre Royal Covent Garden on 21 April. Matthew Dubourg, recently appointed leader of the King’s Band in London, was to play a piece of his own composition and to lead the orchestra, and the vocal parts were to be taken by Frasi, Galli, Mrs Arne, Guadagni, John Beard, “and others.” On 11 April following the same newspaper advised its readers that “Alfred the Great, which was to have been performed ... for the Benefit of the Lying-in Hospital, Jermyn-street, St. James’s, is oblig’d to be postpon’d till further Notice.” An announcement in *The London Evening Post* for 21-24 April may account for the performance’s deferment: “Mr. Arne has been lately confined to his Chambers by a violent Inflammation in his Eyes; but by the timely Assistance and Care of Mr. Taylor, Oculist in Hatton-Garden, will in a few Days be able to go abroad”.²⁷ Taylor’s treatment of Arne’s eye condition was indeed efficacious, for by Sunday 15 April the composer was back at work and fully occupied with final preparations for his opera’s première. The rehearsal that evening, however, was interrupted by the local justice of the peace Thomas Lediard, who burst in and called an immediate halt to proceedings. Guadagni and other members of the cast must have witnessed this dramatic intervention, details of which appear in *Read’s Weekly Journal or British Gazetteer* for 21 April:

Sunday Night about Nine o’Clock, Mr. Justice Lediard, having received Information that a great Number of Persons were at that Time assembled at a great Room in Hart-street, opposite Covent Garden Theatre, to hear a Rehearsal of a Musical Entertainment called Alfred the Great, composed by Mr. A___, Organist of the Romish Chapel,

went thither with a Constable and obliged Mr. A___ to break off the Performance, informing him that he was acting not only in direct Contempt of the Lord Chamberlain's late Order, but with the aggravated Circumstance of profaning on the Lord's Day in Defiance of the Laws of the Land.²⁸

Though something of a setback, this confrontation with legal authority did not deflect Arne from his purpose. On 26 April *The Public Advertiser* announced a change of date and venue for *Alfred the Great*, namely 10 May at the King's Theatre, though the day was later changed to Saturday 12 May, which then became the settled date of performance. The soloists' names are omitted from these later notices, but the full score printed by John Walsh lists the abovementioned singers, as well as "Miss Young" and "Mr. Baker".²⁹

Guadagni disappears from view for a while after the last Passerini/Pla subscription concert, which created a void in his biography that Burney sought to fill by speculating that after the 1752-53 season the singer returned to Italy, where he remained until 1754. In fact, we now know that he travelled to France, and the litigation discussed below suggests that the reason he left the country when he did was to escape his English creditors. While abroad he actively engaged in music-making, hoping perhaps to earn enough to enable him to discharge his debts and to return to London. On 20 October 1753 the weekly magazine *La Gazette* printed the following report of a musical event that had taken place at Versailles a week earlier:

On exécuta le 13, à Versailles, chez Madame la Dauphine, l'opéra italien intitulé *Didon abandonnée*, dont la musique est du sieur Hasse, Maître de Musique du Roi de Pologne, Electeur de Saxe. Les principaux

rôles furent chantés par les sieurs Cafarieli, Guadagni, Champalante et Albanese. Le sieur Guadagni arrive d'Angleterre. Sa grande exécution et la beauté de sa voix lui ont acquis beaucoup de réputation.³⁰

The Dauphine, Princess Marie-Josèphe of Saxony, was so taken with the voices of Caffarelli and Guadagni that she demanded to hear them again, and on 17 and 19 October they performed a number of Italian airs at court. Guadagni may have spent the winter in France, for he was still there in the spring of 1754 when he took part in the Concert Spirituel at the Tuileries in Paris. He sang on seven occasions (8-12, 15 and 19 April); he performed an unspecified selection of Italian songs and joined Albanese in performances of Pergolesi's *Stabat mater*.³¹

Guadagni was back in London by the autumn of 1754 as part of a new *buffo* company at Covent Garden; this engagement played until January, but met with little success. On 3 February 1755 he appeared as Lysander in *The Fairies*, an adaptation of Shakespeare's *A Midsummer Night's Dream* with music by Handel's assistant, John Christopher Smith junior. The production ran for nine nights at Drury Lane, and the castrato is said to have received instruction in the art of naturalistic acting from David Garrick, the theatre's manager-director, "who took ... much pleasure in forming him as an actor."³² Guadagni performed in Handel's oratorios during February and March, and on 18 April he sang in *Alexander's Feast* for Christina Passerini's benefit at the Little Theatre. This engagement was his last, so far as the press notices are concerned, though he may also have taken part in the Foundling Hospital's *Messiah* on 1 May. He seems to have left for the Continent once the 1754-55 season had finished and did not return to England until the autumn of 1769.

Totterdell versus Guadagni

Let us now consider in greater detail the circumstances under which Guadagni left England in the summer of 1753. His flight was almost certainly the direct result of a bill of complaint presented by one Simon Totterdell against “Gaesagno Guadagni” in King’s Bench on 9 May that year.³³ The action was of the type known as ‘trespass on the case’, that is, an action to recover damages that are not the direct result of a wrongful act, but rather a later consequence. The reader’s understanding of the subsequent litigation will be greatly enhanced if we look briefly at the legal background to the case before discussing its content more fully. The plea roll clearly states that the suit was brought under the 1705 legislation (3 and 4 Ann., c. 8/9) which made promissory notes, sometimes called ‘notes of hand,’ negotiable and actionable in the same manner as bills of exchange. The action used to enforce bills and notes was known by the Latin name ‘assumpsit’ (‘he undertook’), in which damages was the primary remedy. Because the plaintiff alleged that the defendant, being indebted (‘indebitatus’) in a certain sum of money, promised to re-pay that sum, the appropriate form of pleading was called ‘indebitatus assumpsit.’ It was necessary to show how the debt had arisen, but the details of the transaction needed only to be set out in summary form. Thus there developed a small number of standard formulae—the so-called indebitatus or ‘common’ counts—to cover the situations that arose most frequently. For instance, a vendor wanting to bring an action for the price of goods against the purchaser would use the common count ‘for goods sold and delivered at his request;’ or a carpenter suing for wages would count that his client was indebted to him in £*n* for ‘work and services performed,’ and so forth. Even if there was no sum certain, as when, for example, the defendant ordered goods

or services without first agreeing the price to be paid for them, an action could still lie; the plaintiff would simply base his claim on an assessment of the reasonable value of work done ('quantum meruit'—'as much as he deserved') or of goods supplied ('quantum valebant'—'as much as they were worth'). These various types of count were very commonly used in the alternative, that is, the plaintiff was free to allege several versions of his claim in multiple counts; no limit was imposed on the number of these alternatives, which were quite fictional and not necessarily consistent with each other. The reason for the apparent redundancy of alternative pleading was that it provided a hedge against the vagaries of the trial process. One of the lawyer's most difficult tasks was to isolate, from the mass of information uncovered in preparing a case, the particular facts that would depict most forcefully and with the greatest likelihood of jury or judge conviction, the contentions of his client. Furthermore, situations frequently arose in which one simply could not predict, in advance of trial, which of several equally seductive versions of his claim would be supported by the evidence. Multiple counts were therefore introduced as a means of preserving for the lawyer the maximum room for maneuver as the testimony unfolded. Examples of such flexibility will become apparent in the course of the following commentary on *Totterdell versus Guadagni*.

The plaintiff's statement of claim (or 'declaration') alleges that on 15 November 1751 Guadagni made, signed and delivered his note engaging unconditionally to pay Totterdell or his order "three Months after date ... the Sum of Twenty seven Pounds for Value received".³⁴ At the same time he wrote Totterdell a second note—presumably governed by the same conditions as the first, though the plea roll does not make this clear—promising to pay £26, again "for Value received". Before proceeding, the plaintiff closed a possible legal loophole in his case by assur-

ing the court that he had not used the notes as negotiable instruments and transferred the monies to anyone else in the meantime. This combined debt had not been settled by 1 January 1753, on which date Guadagni “then and there faithfully promised to pay unto [Totterdell] the said Sum of Fifty three Pounds when he the said Gaesagno should be thereunto afterwards requested”.³⁵

Totterdell then states that on the day last mentioned Guadagni owed him “other [i.e. another] one hundred Pounds of like lawful Money,” which the singer promised to pay. This alternative plea is a mere fiction; only one sum of money was in dispute, namely the £53 already mentioned. The claim for £100 encompassed not only the original debt but any other incidental costs and charges incurred in bringing the suit; these were calculated by the plaintiff’s attorney, who often optimistically doubled the defendant’s liability. According to Totterdell, Guadagni was indebted to him:

... for Taylor’s work and Labour by the said Simon his workmen and servants for the said Gaesagno at his special instance and request before that time done and performed And for divers Materials and necessities in and about the said Work and Labour by the said Simon at the like request of the said Gaesagno used found and provided As for divers Goods Wares and Merchandizes of him the said Simon by the said Simon to the said Gaesagno at his request before that time sold and delivered.³⁶

The nature of the work performed by the plaintiff offers the only clue to his identity and origins. The Apprentice Books in The National Archives reveal that on 6 June 1744 a Simon Totterdell of the city of Bath, tailor, took an apprentice (Jacob Greenway) for a seven-year term.³⁷

Over the next twenty years Totterdell rose to become an important member of the Bath guild of Merchant Taylors, and he was serving as its senior master when, in 1763, the company brought suit against one Glazby in the court of Common Pleas to recover a debt arising from the non-payment of a fine imposed on the latter for plying his trade as a tailor in the city without being free thereof.³⁸ There can be no doubt that this Totterdell is Guadagni's legal opponent, and that he made some item (or items) of clothing for the singer in November 1751, when we know he was in Bath.³⁹ One can only speculate about the nature of those garments, but at the time the sum of £53—worth over £4500 in today's money—would have bought a bespoke wardrobe of superior quality.⁴⁰ Some idea of the cost of a gentleman's suit in mid-eighteenth-century Britain can be gained from an advertisement that a group of London tailors placed in *The Public Advertiser* for 18 May 1753; they offered their clientele a choice of pattern, and undertook to make for "any Nobleman, Gentleman, &c ... a Suit of superfine Cloth and all Materials furnished, middle size, at 5^l. 5^s. a Suit." Five guineas then had the purchasing power of just under £450 in today's money—currently the price of a suit at the lowest end of the Savile Row market. We will never know if Guadagni bought ten good suits or two of the highest quality; either way, stereotyped ideas about the vanity and decadence of castrati, as well as the aristocratic luxury they enjoyed, immediately spring to mind.

The new plea contained two of the indebitatus counts—for "work done and performed," and for "merchandize sold and delivered"—to ensure that all legal loop-holes were closed to the defendant. After repeating the counts in slightly different wording, Totterdell introduces counts of quantum meruit and quantum valebant. He claimed as much money for his work and materials as he "reasonably deserved to have therefore" (estimated at £100), and

as much as his wares “were reasonably worth” at the time of their sale and delivery (another £100).⁴¹ Again, these sums are quite fictitious. Following the assignment of breach, with its usual imputation regarding the defendant’s intention to deceive and defraud the plaintiff, Totterdell ends his declaration with the claim that he has sustained damage in the sum of £100.

Guadagni was not in court to answer the complaint, nor did his attorney Thomas Ford enter a plea on his behalf. An interim or ‘interlocutory’ judgment was therefore awarded against him by default, and the court’s decision was recorded in the Entry Book of Judgments on 25 May 1753.⁴² The sheriff was ordered to empanel a jury of twelve honest men from his bailiwick to assess the plaintiff’s damages, and on Saturday 2 June this enquiry or ‘inquisition’ awarded Totterdell £51 8s. 6d. in costs and charges, as well as an additional £9 11s. 6d. in interest, which brought the total liability to the round sum of £61. In King’s Bench that same day it was ordered that “Unless something be sayd in Arrest of Judgment^t on Thursday the 7th day of June Let Judgment be Entered for the *Plaintiff*”.⁴³ The court received the assessment of Totterdell’s damages two days later, and we learn from the plea roll that final judgment was in fact signed on 8 June.

However, the judgment was by no means the end of the matter. When process first issued back in May, Guadagni, as defendant in the action, would have had to apply for bail in order to avoid incarceration in the King’s Bench prison in respect of those proceedings. This measure would have entailed finding two people prepared to act not only as mainpernors or sureties for his appearance in court, but also as guarantors liable for the debts and costs owed to Totterdell should Guadagni lose the case and fail to satisfy any judgment against him. On 12 May, three days after the singer’s default at the trial,

the court summoned his bail to appear in person, namely Uriah Staton of the parish of St James, Westminster, hosier, and John Millan of St Martin-in-the-Fields, bookseller.⁴⁴ Little is known about the former other than what the plea roll tells us. He may possibly be related to, or even identified with, the Uriah Staton, coffeeman of St Martin-in-the-Fields, who was declared bankrupt in March 1754; and at Michaelmas 1755 someone of the same name is described as “late of the Parish of S^t Mary le Bone in the County of Middlesex Yeoman”.⁴⁵ With John Millan/Millen, the prominent London bookseller and publisher, on the other hand, one is on firmer ground. From business premises in the area of Westminster around Whitehall, Scotland Yard and Charing Cross, he sold naval charts, registers of court, parliamentary and city appointments, and works of military history and heraldry, some of which related to Scotland.⁴⁶ On 25 November 1743 he was examined by the government when copies of *A True Dialogue*, a political satire against the Duke of Cumberland, were discovered in his shop. When asked how he had acquired the pamphlet, he stated that he had bought several copies “at M^{rs} Cowper’s in Pater Noster Row: That He never saw the said Pamphlet in Manuscript, & doth not know who was the Author or Printer of it; or for whom it was publish’d.” He was made to enter into a recognizance for £400, thereby undertaking personally to appear “in His Majesty’s Court of King’s Bench at Westminster on the first day of Next Hillary Term, then and there to answer all such Matters as on His Majesty’s Behalf shall be objected against Him, and not to depart the said Court without Leave thereof and in the Mean time be of the [*sic*] Good Behaviour.” Millan was released from his bond on the following 14 January after the court determined that he was “not much concerned in publishing the Dialogue,” as only two copies had been found in his shop.⁴⁷ It is easy to see why Guadagni and the

bookseller might have been on amicable terms, for the singer was something of a bibliophile and he therefore probably frequented Millan's shop on a regular basis. Their friendship may account for the latter's brief involvement with the aforementioned series of Saturday concerts at the Great Room, Dean Street, during the early months of 1753, in which the castrato featured so prominently as a performer. According to the classified section of *The Public Advertiser* for 14 January, subscriptions were to be "taken in and Tickets delivered at the Concert Room in Soho-Square, and at Mr. Millan's, opposite the Admiralty ... The Subscription Money to be lodg'd in the Hands of Mr. Geo. Campbell, Banker, by Mr. Millan, in whose Name the Account is to be kept, and to be settled with".⁴⁸ That spring Millan also served as a ticket agent for the benefit concerts of Signor Chabran and Mrs. Ogle on 26 March and 14 April respectively.

Staton and Millan were to rue the day they came to Guadagni's legal assistance. On 25 June the court reminded them that they

Did Grant that all such Damages Costs and charges which to the said Simon should be in that behalf Adjudged should be made of their and each of their Lands and Chattells and levied to the use and behoof of the said Simon if it should happen the said Gaesagno should not pay such Damages Costs and Charges or render himself to our Prison of the Marshal of the Marshalsea.⁴⁹

The sheriff was ordered to have the pair before the court on 11 July following to show cause why Totterdell should not have his execution against them, but neither of them could be found, nor could they be distrained, that is, forced by the seizure and detention of personal property to appear. They were given the opportunity of appearing

a week later, but when they again absented themselves execution was awarded against them by default for the £61 owed by Guadagni, and judgment was entered on 26 July.⁵⁰ Staton and Millan were no doubt as anxious as anyone to trace the singer's whereabouts; for that reason he may well have kept a low profile after his default and cried off his scheduled performance in the last Passerini/Pla subscription concert on 17 May. Indeed, he probably slipped quietly out of the country not long after appearing in Arne's *Alfred the Great* on 12 May, which left Staton and Millan to shoulder his responsibilities.

One wonders if there were any mitigating circumstances that might excuse Guadagni's disreputable behavior. Was Totterdell an opportunist businessman who exploited an impressionable and fashion-conscious young man by selling him luxury goods he could not afford? Was Guadagni a victim of trade practices at the elite end of the market that made credit easily available to the naïve and vulnerable and then inflated prices to compensate for the facility? Certainly the financial difficulties of men-about-town who took advantage of extended credit to support their life-style were a recurrent theme in contemporary literature. Book III of Henry Fielding's *Joseph Andrews* (1742), for instance, recounts the credit relations of Mr. Wilson who, anxious to project the image of a fine gentleman, approached a tailor, a wig-maker and other appropriate tradesmen "who deal in furnishing out the human body." As Wilson further explains: "Notwithstanding the lowliness of my purse, I found credit with them more easily than expected ... but I have since learn'd, that it is a maxim among many tradesmen at the polite end of the town to deal as largely as they can, reckon as high as they can, and arrest as soon as they can".⁵¹ Not all tailors, however, were quite so impatient for their money, and in Guadagni's case Totterdell showed remarkable forbearance in waiting a year and a half before

initiating proceedings against him. Youthful indiscretion or not, the whole episode reflects badly on the singer. His failure to reward his tailor for honest industry is reprehensible enough; but to ask two friends to stand surety so that he could remain at liberty and then show his gratitude by jumping bail and leaving them to face the consequences, displays a certain lack of principle. Burney would have felt vindicated in his general disapproval of Guadagni's character: "He had a strong party in England of enthusiastic friends and adherents, of whom, by personal quarrels and native caprice, he contrived to diminish the number very considerably before his departure. He had strong resentments and high notions of his own importance and profession, which revolted many of his warmest friends, and augmented the malice of his enemies."⁵² Although this passage was written about the singer and the difficulties he faced during his second period of residence in England (1769-71), Totterdell, Millan and Staton might well have thought it applied to him more generally.

The new material discussed above makes a significant contribution to our knowledge of one of the great eighteenth-century castrati. Contemporary newspapers and other sources give the clearest picture yet of Guadagni's first period in London, about which far less is known than for his later career, when he was more illustrious. They chart the activities of a young musician working in opera, oratorio and on the concert platform in the most prestigious musical center in Europe at the time. The litigation involving Totterdell and Guadagni adds further detail to the latter's early biography, shedding light on a visit to the west country and providing a compelling explanation for his abrupt departure from England at the end of the 1752-53 season. Most significantly, perhaps, the case provides a rare and revealing insight into Guadagni's personality that corroborates Burney's negative views

about the singer.⁵³ There is a tendency among modern scholars to castigate Burney for what are considered to be his forthright and biased opinions, and it is true that sometimes he does see events through the prism of his own subjectivities, though in this regard he is no different from any other historian. The lawsuit provides incontrovertible documentary evidence of Guadagni's early propensity for unconscionable behavior, and demonstrates that musicologists today should not be too hasty in dismissing Burney's testimony.

Notes

¹ Patricia Howard, "Happy birthday, Cosimo Gaetano Guadagni!", *Musical Times* 148 (Autumn 2007), 93-96.

² Lucia Boscolo and Maddalena Pietribiasi, *La cappella musicale antoniana di Padova nel secolo XVIII* (Padua: Centro studi antoniani, 1997), 184-89; Claudio Sartori, *I libretti italiani a stampa dalle origini al 1800*, 7 vols (Cuneo: Bertola and Locatelli, 1990-94), 2:106, 5:529, Indici II: *Cantanti*, 339; see also S. Durante and P. Petrobelli (eds), *Storia della musica al Santo di Padova* (Vicenza: N. Pozza, 1990).

³ Richard G. King and Saskia Willaert, "Giovanni Francesco Crosa and the First Italian Comic Operas in London, Brussels and Amsterdam, 1748-50," *Journal of the Royal Musical Association* 118 (1993), 246-75.

⁴ s. v. "Guadagni" in Abraham Rees (ed.), *The Cyclopaedia; or, Universal Dictionary of Arts, Sciences, and Literature*, 39 vols (London: Longman, Hurst, Rees, Orme, & Brown, 1802-19), xvii (no pagination: Sig. K2v-[K3]); Patricia Howard challenges this account of Guadagni's voice in "Did Burney blunder?", *Musical Times* 139 (Autumn 1998), 29-32.

⁵ See, for instance, the quotation from his *General History of Music* on page 7.

⁶ See Wilmarth Sheldon Lewis et al. (eds), *The Yale Edition of Horace Walpole's Correspondence*, 48 vols (London and New Haven, CT: Yale University Press, 1937-83), 20:41.

⁷ R. E. G. Cole, *History of the Manor and Township of Doddington* (Lincoln: James Williamson, 1897), 136; he was later M.P. for Hindon and Andover.

⁸ Tedeschi, who apparently specialised in male roles, had certainly sung in those operas in Naples; see Sartori, *I libretti italiani a stampa*, Indici II: *Cantanti*, 631.

⁹ *A General History of Music, from the earliest ages to the present period*. 4 vols. (London, 1776-89), 4:495. Elsewhere in his literary remains Burney makes more explicit reference to his role as language coach: "Frasì procured me Guadagni on his first arrival, to accompany him in his studies, and assist him in the pronunciation of the English words in the parts given him in the Oratorios by Handel;" see Slava Klima, Garry Bowers, and Kerry S. Grant, *Memoirs of Dr. Charles Burney 1726-1769* (London and Lincoln, Nebraska: University of Nebraska Press, 1988), 92.

¹⁰ Donald Burrows and Rosemary Dunhill, *Music and Theatre in Handel's World: The Family Papers of James Harris 1732-1780* (London and New York: Oxford University Press, 2002), 266-67; Winton Dean, *Handel's Dramatic Oratorios and Masques* (London: Oxford University Press, 1959), 472.

¹¹ Philip H. Highfill Jr, Kalman A. Burnim, and Edward A. Langhans, *A Biographical Dictionary of Actors, Actresses, Musicians, Dancers, Managers and Other Stage Personnel in London, 1660-1800*. 16 vols. (Carbondale and Edwardsville: Southern Illinois University Press, 1973-93), 6:435-38; K. E. James, "Concert Life in Eighteenth-Century Bath" (Ph.D. diss., University of London, 1987), 643.

¹² *Bath Journal*, 24 September 1750.

¹³ *London Evening Post*, 9-11 October 1750.

¹⁴ *Bath Journal*, 5 and 26 November 1750.

¹⁵ *La forza d'amore*, which ran from 19 January to 20 April, is listed as a pasticcio in *New Grove Dictionary of Music and Musicians* (henceforth *NGD*) (2nd ed. 2001), 19:63-64, s.v. 'Paradies [Paradisi], (Pietro) Domenico'.

¹⁶ *The General Advertiser*, 16 April 1751.

¹⁷ *The General Advertiser* for that date. This event was first advertised on 24 April as a performance of *La forza d'amore* for Cuzzoni's benefit, even though she was not a member of the cast.

¹⁸ For the possible identity of Leander, for whom Guadagni had sung the previous autumn, and Lashly, see James, *Concert Life*, 747-48 and 748-49. There is no evidence that Guadagni was in Bath in 1753, *pace* Jenny Burchell, *Polite or commercial concerts? Concert management and orchestral repertoire in Edinburgh, Bath, Oxford, Manchester, and Newcastle 1730-1799*. (New York and London: Garland, 1996), 123.

¹⁹ For more on Guadagni in Ireland, see Brian Boydell, *A Dublin Musical Calendar 1700-1760* (Dublin: Irish Academic Press, 1988). The singer's busy schedule during the first quarter of 1752 makes it highly unlikely that he took part in the revival of Handel's *Joshua* at Covent Garden in February that year, *pace* Nicholas Clapton, s.v. 'Guadagni, Cosimo Gaetano', in Annette Landgraf and David Vickers (eds), *The Cambridge Handel Encyclopedia* (Cambridge: Cambridge University Press, 2009), 275.

²⁰ *The Public Advertiser*, Saturday 27 January 1753.

²¹ See, for instance, Roger Freitas (ed.), *Complete Cantatas: Atto Melani* (Middleton, Wis.: A-R Editions, 2006); and idem, *Portrait of a Castrato: Politics, Patronage, and Music in the Life of Atto Melani* (Cambridge: Cambridge University Press, 2009).

²² See Patricia Howard, "The castrato composes: Guadagni's setting of 'Pensa a serbarmi, o cara'", *Musical Times* (Summer 2012), 3-30.

²³ Leonardo Frasson, "Francescantonio Vallotti maestro di cappella nella basilica del Santo" in Giulio Cattin (ed.), *Francescantonio Vallotti nel il centenario dalla morte (1780-1980)* (Padova: Edizioni Messaggero, 1981), 7-184, at 132.

²⁴ The notice in *The Public Advertiser* for the same concert date spells Guadagni's name correctly and repeats the information in the same order, but does not use capitals for the performers' names.

²⁵ Compositions by other castrati who worked in England survive in London, British Library, Additional MS 14207, which contains settings by Gaetano Majorano ('Caffarelli') and Angelo Maria Monticelli, who sang at the King's Theatre in 1737-38 and 1742-46 respectively. Giuseppe Manfredini published his *Sei Arie con Istromenti* in London in 1752; see Cheryll Duncan, "Castrati and impresarios in London: two mid-eighteenth-century lawsuits," *Cambridge Opera Journal* 24/1 (2012), 43-65.

²⁶ The Plas were presumably the Spanish brothers Juan Bautista and José Pla, who visited London in 1753-54; see "Pla (Agustín)," *NGD* 19:823-24.

²⁷ This is almost certainly not John Taylor senior, the itinerant eye-doctor who treated both Bach and Handel, but his son, also named John (c.1724-1787); see *Oxford Dictionary of National Biography*, s.v. "Taylor, John (1703-1772)."

²⁸ Lediard's views on Sunday observance are encapsulated in his *A charge delivered to the grand jury* (London: T. Payne, 1754): "On this our *Faith* depends *Religion*, and on *Religion* Government itself" (p. 8); "Prophanation of the *Sabbath* is another of the gross Offences of the present Time" (p. 10); "The Increase of Robberies, Murders, Per-

juries, and all that Series of Crimes, which distinguish ... the present Age, all arise from that Neglect, that Contempt of *Religion*, and all Things *sacred*, which is so universal" (p. 11).

²⁹ Guadagni sang the role of Prince Edward; see Alexander Scott (ed.), *Thomas Augustus Arne: Alfred*, Musica Britannica 47 (London: Stainer and Bell, 1981), Introduction, xxvi. For details of the complex history of this work, see Michael Burden, *Garrick, Arne and the masque of Alfred: A Case Study in National, Theatrical and Musical Politics* (Lewiston, Lampeter: Edwin Mellen Press, 1994).

³⁰ Quoted in Patrick Barbier, *La Maison des Italiens: Les castrats à Versailles* (Paris: Grasset, 1998), 188. "The Italian opera entitled *Didone abbandonata* by Mr Hasse, Master of Music to the King of Poland and Elector of Saxony, was performed on the 13th at Madame la Dauphine's at Versailles. The main roles were taken by Sigg. Caffarelli, Guadagni, Ciambalanti and Albanese. Sig. Guadagni has come from England. His great performance and the beauty of his voice have earned for him a high reputation." The soprano castrati Ciambalanti and Antonio Albanese were members of Louis XV's Chapelle Royale at Versailles.

³¹ Constant Pierre, *Histoire du Concert spirituel 1725-1790* (Paris: Société française de musicologie, 2000), 266-67; and 'Albanese, Antoine', *NGD* 1:280. Burney surmised that in 1754 Guadagni travelled from Italy to Lisbon to become 'second man' to the castrato 'Gizziello' (Gioacchino Conti). There is no evidence to support this claim, though he certainly did take up such a position after leaving England for Portugal in the summer of 1755. Archives that might substantiate such a claim were destroyed in the earthquake that struck Lisbon in November of that year, and which brought Guadagni's career there to an abrupt end; see Manuel Carlos de Brito, *Opera in Portugal in the Eighteenth Century* (Cambridge: Cambridge University Press, 1989), ch. 2.

³² Burney, *A General History*, 4:495. He doubtless learned much from Crosa's *buffo* players too; see Patricia Howard, "'No equal on any stage in Europe': Guadagni as actor," *Musical Times* 151 (Spring 2010), 9-21.

³³ The National Archives (henceforth TNA): KB 122/256; Easter 1753 (26 George II), rot. 207r – 207v.

³⁴ TNA: KB 122/256, rot. 207r.

³⁵ Ibid.

³⁶ Ibid.

³⁷ TNA: IR 1/17, opening 68. The reason why such records exist is that, from 1710 until 1804, a stamp duty was imposed on the

premium paid by the parent to the master for training the child under apprenticeship indentures.

³⁸ George Wilson, *Reports of Cases argued and adjudged in the King's Courts at Westminster*, 3 vols (London, 1799), 2:266; the case was lost and refused a re-trial. For an account of events leading up to the case and its disastrous consequences for the company, see C. W. Shickle, "The Guild of Merchant Taylors in Bath," *Proceedings of the Bath Natural History and Antiquarian Field Club*, 9/4 (1901), 235-80.

³⁹ The plea roll designates *Totterdell v. Guadagni* as a Middlesex case, which initially misled one to believe that the plaintiff resided in that county, since the action normally lay where the business giving rise to the litigation was transacted. However, in certain instances, such as in an action upon a promissory note, the venue was at the election of the plaintiff; see William Tidd, *The Practice of the Court of King's Bench in Personal Actions*. 2 parts (London: A. Strahan and W. Woodfall, 1790-94), 1:12-13.

⁴⁰ See The National Archives currency converter: <http://www.nationalarchives.gov.uk/currency/>

⁴¹ TNA: KB 122/256, rot. 207v.

⁴² TNA: KB 168/14; Easter 1753 (26 George II), 6.

⁴³ TNA: KB 125/153 (s.v. Saturday next after the Morrow of the Ascension).

⁴⁴ TNA: KB 122/256, rot. 482.

⁴⁵ *London Evening Post*, 9-12 March 1754; TNA: IND1/6659, f. 132^v.

⁴⁶ H. R. Plomer, G. H. Bushnell and E. R. McC. Dix, *A Dictionary of the Printers and Booksellers who were at work in England, Scotland and Ireland from 1726 to 1775* (London: Oxford University Press, 1932), 170-71.

⁴⁷ TNA: SP36/62, pp. 215-21.

⁴⁸ The advertisement that appeared in the same newspaper for 16 December 1752 specified 'at Mr. John Millan's, Bookseller, opposite the Admiralty'.

⁴⁹ TNA: KB 122/257; Trinity 1753 (26-27 George II), rot. 92. This is a writ of *scire facias* ('that you cause him to know') based on a judgment, which orders the sheriff to warn the person or persons to whom it is directed to show reason why the plaintiff should not have the benefit of the judgment.

⁵⁰ TNA: KB 168/14.

⁵¹ Quoted in Margot C. Finn, *The Character of Credit: Personal Debt in English Culture, 1740-1914* (Cambridge: Cambridge University Press, 2003), 46.

⁵² *A General History*, 4: 496.

⁵³ Burney was not the only commentator to hold Guadagni in low esteem; see, for example, Norbert Miller (ed.), *Karl Ditters von Dittersdorf, Lebensbeschreibung: seinem Sohne in die Feder diktiert* (München: Kösel-Verlag, 1967), 209-13.

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- 2.6 Cheryll Duncan, 'New Purcell documents from the Court of King's Bench', *Royal Musical Association Research Chronicle*, 49 (2016), 1–38 (in the press).

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Dear Cheryll

I am pleased to advise that your article, 'New Purcell documents from the court of King's Bench' has been accepted for publication in the *Royal Musical Association Research Chronicle*. The article will be published in print in February 2016 though we will endeavour to have it registered by Rapid Online Publication by the end of 2015.

Yours sincerely

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New Purcell documents from the Court of King's Bench

Cheryll Duncan

Abstract

Two legal documents recently discovered among The National Archives at Kew in London provide new information about Henry Purcell's final years. The only known instances of the composer's involvement with the law, these rare archival finds shed light on his familial relations and financial circumstances at that point in his career when he was turning his attention to the London stage. The first case involves Purcell's sister-in-law Amy Howlett, who owed him £40; and the second concerns his unpaid bill at an exclusive west-end retailer's. The new material confirms beyond doubt the identity of Purcell's in-laws, and shows that he was not just short of money in the 1690s, but that he was actually in debt at the time of his death. Other areas of enquiry include the élite social milieu in which the Purcells increasingly moved, and their possible place of residence in 1691–93. These aspects are discussed in relation to Purcell's enhanced public profile at that time, and within the wider context of the culture of consumption and credit in late seventeenth-century England. The two lawsuits are transcribed and translated in full, and their legal implications explicated.

Keywords: Henry Purcell, Frances Purcell, Amy Howlett, credit relations, Covent Garden

Introduction

A major impediment to our understanding of Henry Purcell the man is the dearth of documentation relating to almost every aspect of his personal life. Even basic elements of his *curriculum vitae*, such as the precise date and place of his baptism and marriage, are lacking. Documents of an official nature in The National Archives at Kew in London and in the Muniment Room of Westminster Abbey contain information about his various appointments and the salaries he earned as a court and church musician in and around Whitehall from 1673 till his death in 1695, but the picture they paint of him is necessarily monochrome, two-dimensional and unrevealing. In the preface to the second edition of Franklin B. Zimmerman's biography of the composer (1983), the author bemoaned the fact that '[w]ith Henry Purcell, finding the inner man, getting even a fleeting glimpse of his personality[,] is very difficult indeed'.¹ Little has changed since then; leading authorities on the composer's

I owe a deep debt of gratitude to Professors Helen Berry, Robert D. Hume and Judith Milhous who have given generously of their time and expertise in the course of this paper's preparation. I should also like to thank Professor Michael Burden and Drs Margaret Laurie and David Mateer for their advice on specific matters. Any errors that occur are my responsibility alone.

life and work continue to express their frustration at the lamentable survival rate of primary source material from which to construct his biography, with one of them going so far as to exclaim: ‘such is our state of knowledge of the personal aspects of his life that his laundry bills would constitute a major scholarly find’.² Faced with this paucity of verifiable evidence, researchers in the field of Purcell studies will no doubt welcome the author’s discovery of documents relating to the composer among the legal records held by The National Archives, and here transcribed and translated for the first time. The two cases that have come to light involve Purcell and members of his extended family – one dating from his lifetime, the other brought posthumously. These exceedingly rare documents supplement our meagre knowledge of his familial relations and introduce some hard evidence into an area that has hitherto been dominated by testimony of an anecdotal kind, such as the famous tale, first disseminated by Hawkins, which perpetuated gossip about possible friction in the Purcells’ marriage.³ These new archival finds are the only examples of litigation involving the composer that have so far been identified. They are of interest not just for the light they shed on the dynamics of his family life; they also add to speculation about the whereabouts of the Purcells in 1691–93, on which subject we have no information whatsoever, and open up fresh avenues of enquiry regarding their social interaction with the exalted world of aristocratic patronage at precisely that moment when Henry was forging a new career as a composer for the theatre. They also afford an insight into the state of Purcell’s finances at the time, and even perhaps a window on his character.

¹ Franklin B. Zimmerman, *Henry Purcell, 1659–1695: His Life and Times*. 2nd rev. ed. (Philadelphia: University of Pennsylvania Press), 1983, xvii.

² Michael Burden, ‘“He had the honour to be your master:” Lady Rhoda Cavendish’s music lessons with Henry Purcell’, *Music & Letters* 76 (1995), 532–39, at 532; see also Curtis A. Price, ‘In search of Purcell’s character,’ in Curtis Price (ed.), *Purcell Studies* (Cambridge: Cambridge University Press, 1995), 1–5.

³ According to this story, Purcell died from complications arising from a cold that he caught after returning home late and inebriated, only to find that the servants, acting on his wife’s instructions, had locked him out; see Sir John Hawkins, *A General History of the Science and Practice of Music*. 5 vols. (London: 1776), 4:507–8. The issue is explored in greater detail in Maureen Duffy, *Henry Purcell* (London: Fourth Estate, 1994), 67–8.

One can easily appreciate why this new material has lain undetected for so long. Both cases were heard in the Court of King's Bench, whose complex and voluminous records present a Herculean challenge to even the most determined researcher.⁴ Before 1733, except for a brief period during the Interregnum (1649–60), the formal proceedings of England's common-law courts (King's Bench, Common Pleas, and the common-law side of the Exchequer) were written in heavily abbreviated Latin and in a distinctive legal script ('court hand') that can be difficult for the uninitiated to decipher.⁵

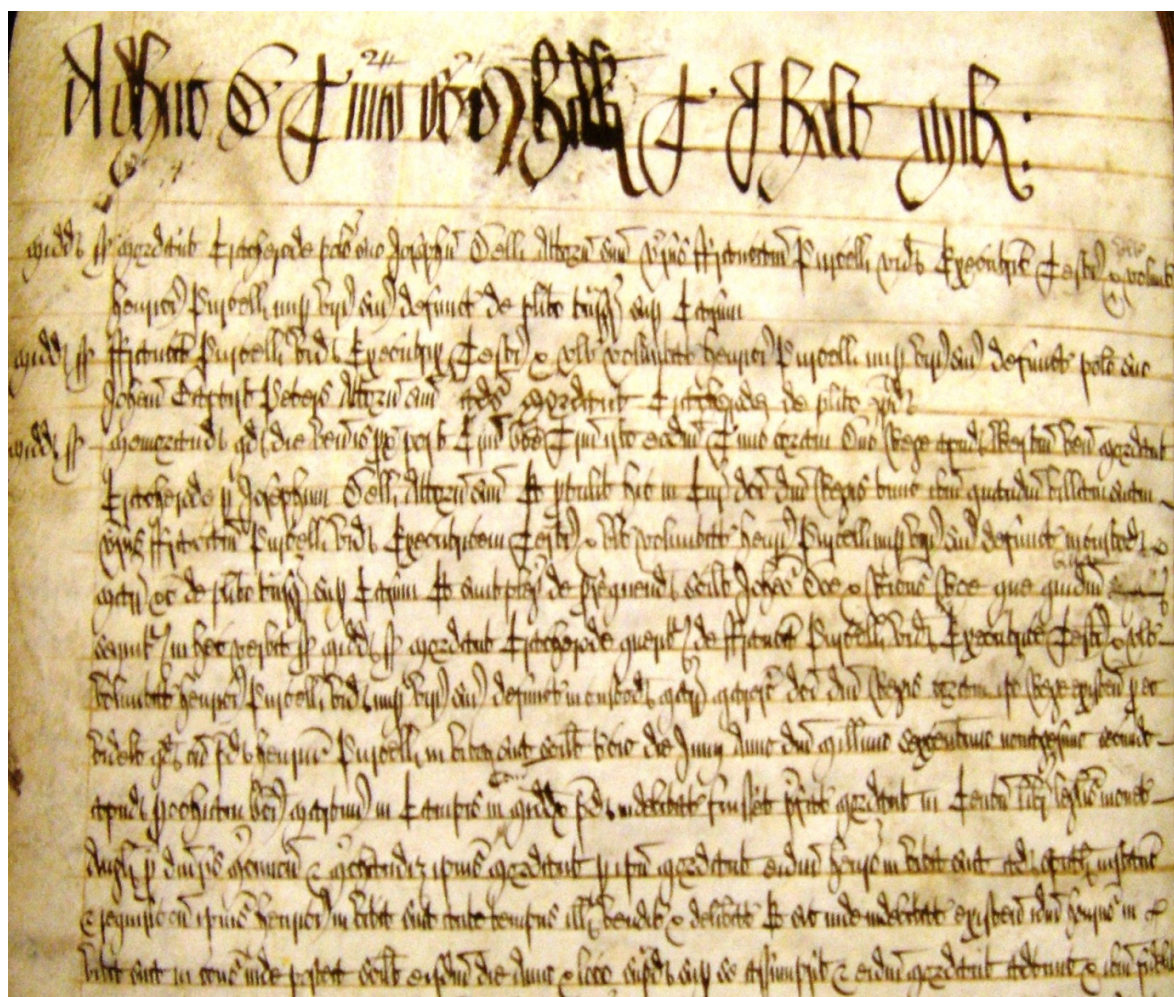


Figure 1: opening of Cracherode v. Purcell (TNA: KB27/2130, rot. ccccli).

⁴ The obstacles faced by anyone using these documentary classes are outlined in Amanda Bevan (ed.), *Tracing your ancestors in The National Archives*. 7th rev. ed. (London: The National Archives, 2006), 499.

⁵ As an example, see Figure 1.

In marked contrast with the wealth of information to be found in the records of the equity courts (Chancery, and the equity side of the Exchequer), common-law litigation often yields data that is formulaic in the extreme and devoid of specific detail. So generalized is the language of the plea rolls that it is often impossible to relate the few bald facts that *are* given to a particular context; consequently, a document can have such wide applicability that its significance is at times susceptible of more than one reading, as we shall discover when we come to consider the first case. Furthermore, common-law discourse is technically abstruse and laced with legal fictions that have the potential to confuse and even mislead the unwary; court procedure in all but the most straightforward cases can be convoluted; and the pleading process is at times arcane and repetitive, especially when the parties resort to the use of alternative pleading, that is, the practice of stating in separate counts multiple versions of the same claim. Add to this the physical nature of the plea rolls themselves, which are difficult to handle on account of their size and weight, and one can perhaps understand why musicologists and scholars from other disciplines have left the records of this fundamental branch of English law largely unexplored. Such neglect, however, has delayed the collection and dissemination of new information that is occasionally of the first importance. The two case-studies that form the basis of the present article are discussed from roughly similar perspectives: a biographical sketch of Purcell's legal adversary in each action is followed by an examination of the lawsuit and its implications, and an attempt to highlight its broader significance for other research in the field. Factual duplication with information already in the public domain has been kept to a minimum consistent with clarity of exposition and the placement of the new material in context. My transcription and translation of the litigation have been appended to the main text, as much to celebrate the discovery of these unique documents as to enable the reader to check that my interpretation of them is well-grounded.⁶

⁶ See Documents 1 and 2 (28–38 below).

Amy Howlett: sister-in-law and defendant

Purcell's legal opponent in the first case was Amy Howlett (née Peters), the sister of Henry's wife Frances. Before the publication of Maureen Duffy's research into the Purcell family circle we knew very little about her, other than the fact that she acted as one of the witnesses to Frances's nuncupative will on 7 February 1706.⁷ Amy and Frances, with their sister Mary and brother John Baptist, were the children of a Flemish immigrant John Baptist Pieters and his wife Amy. When the family arrived in London in the early 1660s, the father, who had been christened a Catholic in his native Ghent, declared himself a conforming member of the Church of England, though these newly acquired Protestant affiliations were doubtless for the purposes of denization only. The Peters settled in Thames Street, and an inventory of the contents of their house taken on the death of John Baptist senior in 1675 suggests that they had substantial means.⁸

The first record we have of young Amy Peters dates from 3 April 1678, when she and John Howlett applied for a common marriage licence. Common licences merely dispensed with the requirement to call the banns on three successive Sundays before the wedding in the church where a couple planned to marry. As part of the application process, John had to submit a sworn statement (or 'allegation') that there was no impediment to the marriage taking place. According to this informative document Howlett was a bachelor aged about twenty-four at the time, who earned his living as a soap-maker in the vicinity of All Hallows the Great, London. Amy, described as a spinster from the neighbouring parish of All Hallows the Less, required her widowed mother's consent to the match because she was then only about twenty years old. This would place Amy's date of birth around 1658.⁹

⁷ Duffy, *Henry Purcell*, 62–3, *et passim*; Zimmerman, *Henry Purcell*, 283.

⁸ The National Archives (henceforth TNA): Prerogative Court of Canterbury (henceforth PCC) Inventories; PROB 5/5023.

⁹ See London, Lambeth Palace Library (henceforth *Llp*): Vicar General's Marriage Allegations VM I/10 (5 February 1677 to 16 May 1679), and the transcription in George J. Armytage (ed.), *Allegations for marriage*

John was clearly something of a catch, for soap-making was one of London's most lucrative trades.¹⁰ He was the second son of Thomas Howlett senior, a wealthy leather-seller and soap-boiler with premises conveniently close to the river in Thames Street. Under the terms of his father's will, dated 16 July 1676, John had received twelve hundred pounds sterling and 'Two Messuages or Tenements situat in the said Parish of Alhallowes the great now in the occupacion of Richard Marshall and Henry Higgins'.¹¹ Initially, and for a brief period only, John availed himself of a clause in his father's will that entitled him, once married, 'to have house roome and accomodacion' rent-free in the Howlett family home, even though that property had been bequeathed to his elder brother Thomas. The 1678 poll tax record for the first precinct of the city's Dowgate ward, where the dwelling was situated, lists all those living there at the time, including 'John Howlet & Amy his wife', but the fact that their names are struck through indicates that the couple moved out after the assessment was drawn up and before the tax was collected.¹² They did not travel far, however, for later in the document 'John Howlit & wif' appear under the fifth precinct of the same ward as members of the household of Amy's mother, 'Amy peaters'. Both she and Thomas Howlett lived in houses with an assessed rental value of £30 per annum, on which they paid ten shillings tax. If rent levels are taken as a proxy measure of affluence, then both households were comfortably well off compared to most of their neighbours.

It was not long before the Howletts were back in All Hallows the Great where they probably moved into the tenement vacated by Richard Marshall, for their first born, John, was baptized in the parish church on 16 April 1679. Towards the end of May 1680 a second child, Frances, was born in Richmond, Surrey, where the couple appear to have had family

licences issued by the Vicar-General of the Archbishop of Canterbury (London: Harleian Society 34, 1892), 218.

¹⁰ Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660–1730* (London: Methuen, 1989), 32.

¹¹ TNA: PCC Wills; PROB 11/351/475.

¹² London Metropolitan Archives (henceforth LMA): COL/CHD/LA/03/011/024.

connections. That they also enjoyed some social standing in the local community is apparent from the honorific titles given to them in the entry recording the baby's baptism in the Richmond parish registers:

‘ffrances the daughter of M^r John Howlett & M^{rs} Amy his wife baptized June 1’¹³

Two more daughters, Amy and Mary, were baptized back in All Hallows on 11 August 1681 and 16 November 1682 respectively.¹⁴ Tragically, however, only one of the Howlett children was to survive beyond infancy, for Frances and Amy were buried at All Hallows on 12 October 1680 and 7 October 1681 respectively. Worse was yet to come for Amy and the family; her husband died at the beginning of February 1684, and their only son followed his father to the grave some two weeks later.¹⁵ John Howlett's recently discovered will, dated 18 December 1683, makes interesting reading. In it he confirmed arrangements previously made for the disposition and conveyance of the two tenements that his father had left him in All Hallows the Great. He does not elaborate upon the nature of these provisions, but presumably the messuages were placed in trust for the support of his young family. Also, ‘for and towards a ffurther maintenance of my dear and Loving wife Amy Howlett’, he bequeathed to her ‘the One Third parte of all my personall Estate either goods and Chattells of what nature and kind soever’, and left similar legacies to each of his two children.¹⁶ Furthermore, he stipulated that, should any of his children die before attaining their majority, then the dead child's portion was to be divided between the survivor and Amy; she therefore received not only her widow's third, but also half of John junior's portion when he died in the following

¹³ Surrey History Centre, Woking. Registers of St Mary Magdalene, Richmond upon Thames (1657–1682): P7/1/2; see also J. Challenor C. Smith (ed.), *The Parish Registers of Richmond, Surrey* (London: Publications of the Surrey Parish Register Society 1, 1903), 73. In the seventeenth century, the title ‘Mr.’ generally denoted the status of a gentleman; see Peter Laslett, *The World We Have Lost further explored* (London: Routledge, 1983), 24–9.

¹⁴ LMA: Registers of All Hallows the Great, MS 5159 (Baptisms and Christenings).

¹⁵ Ibid., MS 5159 (Burials), under the dates 6 and 22 February.

¹⁶ LMA: DL/AL/C/003/MS09052/024, (1684 A–H), will 86. This precise arithmetic division of his effects into equal shares conformed with the requirements both of ecclesiastical law and the ‘Custom of London’; see Amy Louise Erickson, *Women and Property in Early Modern England* (London and New York: Routledge, 1993), 28.

February. As the children's guardian during her widowhood, Amy was to receive 'the Interest and profit' of their portions 'for and towards their maintenance and Education'. Howlett bequeathed to her 'all her Jewells and Wareing Apparrell' and appointed her his executrix; to assist in the performance of these duties he nominated two trustees, one of whom was Amy's brother, John Baptist Peters junior, who was training as a lawyer.

In apportioning his patrimony as he did Howlett appears to have provided well for his family, with Amy in effect inheriting one half of his wealth and a controlling interest in the other. Yet it appears that within seven years of her husband's death, she was financially embarrassed enough to have to ask Purcell for a loan. This dip in her fortunes is difficult to explain without more evidence, but it is probably attributable to a number of factors working in combination. Doubtless the life of a single parent bringing up a young child was not an easy one, and Amy, accustomed to the status of a well-to-do merchant's wife and a standard of living that went with it, may have had difficulty adjusting to the economic realities of widowhood. There is also evidence to suggest that in the 1690s the soap-making industry, with which she may still have had connections, was experiencing something of a downturn; around the middle of that decade the City's soap-makers petitioned Parliament in an attempt to stop further taxation of their imported raw materials, claiming that 'since the present War with *France* [1689], ... a great Duty was laid upon the Ingredients of which Soap is made, ... by reason whereof, ... the Commodities are so dear, that the Trade of Soap is much decayed in London'.¹⁷ Although we cannot be certain of the circumstances under which Purcell agreed to the loan, one thing seems clear; by the early 1690s money was in short supply in the Howlett household.

¹⁷ Anonymous, *Reasons Humbly offered by the Soapmakers of the City of London* (London, c.1695).

Purcell v. Howlett

On Friday 12 June 1691 (the first day of Trinity term) Henry began bill proceedings against Amy in King's Bench.¹⁸ As the action was founded on a writ of debt, the claim had to be made in respect of a fixed sum of money or a fixed quantity of fungible goods. In this case the 'sum certain' was forty pounds which, according to Purcell's statement of claim or 'declaration', Amy had borrowed from him in the parish of St Mary-le-Bow, Cheapside, on the previous 20 May. He further alleged that since that date he had repeatedly pressed her for repayment, but to no avail, and was now claiming one hundred pounds in costs and damages. When the matter came before the court on 27 June following, Amy's attorney, who unsurprisingly was John Baptist Peters, admitted that she had no ground to litigate, and as a consequence of this capitulation it was determined that Purcell should recover the forty pounds he had lent her, as well as £2 3s 4d in costs.

On a superficial level, the facts of the case suggest that Purcell behaved quite abominably towards Amy. To lend forty pounds to one's widowed sister-in-law and then three weeks later threaten her with damages of a hundred pounds if the debt is not repaid, is the stuff of dysfunctional family 'soap operas'. Was Purcell really the unscrupulous, avaricious money-lender that he appears to have been from the face of the record?

It is important not to suppose that, because Purcell sued Amy at common law, there was necessarily any animosity between them. He could just as easily have asked her to sign a promissory note for the money, *i.e.* a written instrument that documents a loan transaction between one party and another, and which sets out the terms and conditions for its repayment. However, Purcell clearly wanted better security for his money than mere parol promises backed up by a note of hand, and his chosen method of achieving that end was the *cognovit actionem* – 'she has acknowledged the action' – which confession is recorded in the margin

¹⁸ See Documents 1 for a transcription and translation (28–31 below).

of the plea roll, along with the date on which it was made. A *cognovit* was a written acknowledgement by the defendant in a civil case before the court, usually of debt, that he/she had no available defence because the opponent's cause was just and right. To save expense the defendant might confess the action instead of entering a plea, and suffer judgment to be entered against him/her without trial. However, the offer of a *cognovit* was usually conditional upon the defendant being allowed a specified period of time to settle the debt, or any agreed damages, and costs. If he/she failed to comply with the terms on which time was given, the plaintiff's attorney could obtain judgment and seek writs of execution for the sums due. The *cognovit* was therefore a form of promissory note that gave to the note-holder a formidable collection mechanism, permitting him to obtain a court judgment against the borrower without having to go to trial if the conditions of the note were breached. That *cognovits* were a popular and highly effective means of securing a loan may be seen from the other cases on the same *rotulus* as *Purcell v. Howlett*.¹⁹

Forty pounds was no trifling sum, and the steps taken by Purcell to memorialize the transaction by having it engrossed among the proceedings of a court of record – in fact, the highest common-law court in the land – tell us something about how much it meant to him.²⁰ Indeed, from what we know of the composer's personal and financial affairs in 1691, it seems surprising that he could afford to lend the money at all. For one thing, he had a young family to support: the Purcells' first daughter, Frances, was a mere three-year old at the time, and Edward, their youngest and only surviving son, had been baptized in Westminster Abbey in September 1689. Furthermore, in May 1690 Purcell had lost his position as harpsichordist in the Private Music along with an annual salary of £40, one of a number of musicians to fall

¹⁹ For more on the use of the *cognovit* as security for a debt, and judgments suffered by consent, see Joshua Williams, *Principles of the Law of Personal Property*. 16th ed. (London: Sweet and Maxwell, 1906), 209–11.

²⁰ The average annual household income in 1688 was approximately £39; see Peter H. Lindert and Jeffrey G. Williamson, 'Revising England's Social Tables, 1688–1812,' *Explorations in Economic History* 19 (1982), 385–408; and idem, 'Reinterpreting Britain's Social Tables, 1688–1913,' *Explorations in Economic History* 20 (1983), 94–109. According to a private communication from Robert D. Hume, £40 had the purchasing power of well over £8000 in today's money.

victim to a scaling back of resources in the royal household.²¹ It was largely this retrenchment at court that prompted him to turn to composing for the London stage, though even that form of employment, rewarding as it no doubt was, could not guarantee a regular income. Ironically, Purcell's financial situation may have been exacerbated by the success that attended his first large-scale dramattick opera, *The Prophetess, or the History of Dioclesian*, which received its sumptuous première at Dorset Garden Theatre in late May or early June 1690, and instantly established his celebrity status, making him 'the first such famous composer in British musical history'.²² The decision later to self-publish the full score of *Dioclesian* involved the composer in a large financial outlay and left him horribly exposed to market conditions, so that when it eventually appeared in print at the end of February or the beginning of March 1691, it soon became clear that there was virtually no demand for that kind of publication.²³ A well-known comment in John Walsh's preface to Daniel Purcell's *The Judgment of Paris* (1702) further testifies to the score's commercial failure; there the publisher remarks on 'the Celebrated Dioclesian of M^r. Henry Purcell . . . which found so small Encouragement in Print, as serv'd to stifle many other Intire Opera's, no less Excellent, after the Performance, not Dareing to presume on there own meritt how just soever, nor hope for a better Reception than the former.'²⁴ Significantly, Purcell never again attempted to publish a complete dramattick opera, his only other venture of that type

²¹ See Andrew Ashbee (ed.), *Records of English Court Music*. 9 vols. (Aldershot: Scolar Press, 1986–96) 2:163–66 and 8:282; Zimmerman, *Henry Purcell*, 179; and Andrew Pinnock, 'Theatre Culture', in Rebecca Herissone (ed.), *The Ashgate Companion to Henry Purcell* (Farnham: Ashgate, 2012), 165–99, at 165, citing Bruce Wood, *Purcell: An Extraordinary Life* (London: ABRSM, 2009), 132.

²² Pinnock, 'Theatre Culture', 165.

²³ For further background and a discussion of Purcell's 'Advertisement' at the back of the score, see Rebecca Herissone, 'Playford, Purcell, and the Functions of Music Publishing in Restoration England,' *Journal of the American Musicological Society* 63 (2010), 243–290. Copies of *Dioclesian* were still being advertised in Henry Playford's *General Catalogue* of 1697; John Walsh senior took over Playford's stock in 1707, and he and his son continued to advertise the availability of Purcell's score until 1741.

²⁴ This preface is omitted from most copies of the score; see Herissone, 'Playford, Purcell, and the Functions of Music Publishing', 245 n.3. In a recent essay Ellen Harris states that the quotation is from the preface to John Eccles's *The Judgment of Paris* (1702), despite referring to Herissone's article, which identifies the source correctly; see Ellen T. Harris, 'Music Distribution in London during Handel's Lifetime: Manuscript Copies versus Prints', in Craig A. Monson and Roberta Montemorra Marvin (eds), *Music in Print and Beyond: Hildegard von Bingen to The Beatles* (Rochester, New York: University of Rochester Press, 2013), 95–117, at 108.

being a collection of nine airs and a dialogue from *The Fairy-Queen* (1692), with accompaniments arranged for continuo only, which were intended for the amateur market. The spring and early summer of 1691 must have been a period of fiscal belt-tightening for Purcell. With the returns from his investment in the publication of *Dioclesian* coming in below expectation, and with his fee for *King Arthur* (late May – early June 1691) perhaps still in the offing, he was hardly in a position to distribute largesse, even to members of his immediate family. If the £40 *cognovit* is taken as evidence of a pecuniary advance made by Purcell to his sister-in-law, then such a loan was an extraordinarily generous gesture on his part, given the state of his own finances at the time.

I should now like to offer an alternative perspective on the same legal document that takes into account Purcell's domestic – as opposed to his financial – circumstances, and that possibly explains why Amy signed the *cognovit* when she did; but first, it will be necessary to set the scene with a few words about Purcell's residential history. From early 1685 until sometime in 1691 he and his family occupied a house close to the Abbey on the east side of a thoroughfare called Bowling Alley, in the parish of St Margaret's, Westminster. The record of the local taxes or rates that he paid each year allows us to track his movements in and out of the parish at any given time. However, for a period starting in December 1691, his mother-in-law Amy Peters assumed responsibility for the rates, no doubt because by then she had taken over the Bowling Alley house, probably in conjunction with her widowed daughter Amy Howlett. Duffy believes that Purcell waited until then before moving out, but there is no evidence to support this assumption.²⁵ Although he paid the highway rate for the year beginning Christmas 1690, there is no reason to suppose that he remained in the property

²⁵ Duffy, *Henry Purcell*, 194. There is an acquittance (a receipt), signed by Purcell, for payment by the Abbey of one quarter of his £8 housing allowance up to Christmas 1691. The document, dated 9 January 1692, does not specify the property to which it refers, and the allowance could have been used in respect of any house in which he chose to live. In other words, it did not tie him to Bowling Alley, or to any dwelling near, or belonging to, the Abbey; see Westminster Abbey Muniments 47667.

right up to the next due date; clearly, he could have vacated it at any point during 1691, and it is significant that the last record we have of him paying the poor rate is for the period Easter 1690 – 1691.²⁶ It is therefore possible that he moved out in late April of the latter year and took up residence somewhere closer to Dorset Garden, where *King Arthur* was about to go into production. He could then have sold his residual interest in Bowling Alley to Amy Howlett who, unable to make the necessary cash payment, may have entered into an arrangement with her brother-in-law whereby he mortgaged the property to her.²⁷ *Cognovits* could be used to secure many types of loan, including those made for the purchase of leases and real estate; and it was not unusual for the mortgagor to give the mortgagee a *cognovit* note by way of collateral security, so as to enable him to enter up judgment and issue execution should the borrower default on the terms of the mortgage.²⁸ Amy's indebtedness to Henry may therefore have arisen not from a personal loan transaction but from the sale of his property rights in Bowling Alley, though until such times as further evidence comes to light there is no way of knowing which of these interpretations is the more plausible.

*

The second of the newly discovered lawsuits concerns an unpaid bill for goods supplied to one or both of the Purcells by a certain Mordant Cracherode. Although the cause of action arose early in June 1692, the start of legal proceedings was delayed until some time after the composer's death. The litigation is predictably vague about the nature of the goods for which payment was outstanding, and more precise information is retrievable only through an investigation of Cracherode's biography.

²⁶ City of Westminster Archives Centre (henceforth CWAC): MS E872 (highway rate 1690–91), 68; *ibid.*, MS E203 (poor rate accounts 1690–91), pagination illegible.

²⁷ She later paid the rates on the house; see CWAC: MS E309 (poor rate assessments 1693–94), 72.

²⁸ *Cognovit* notes still have a place in the U. S. legal system; most states have outlawed or restricted their use in consumer credit transactions, but they are still occasionally encountered in the business and mortgage sectors.

Mordant Cracherode: linen draper and plaintiff

The Mordant Cracherode (Cratcherode, Cracherood, Cratchrood) who sued Frances Purcell in King's Bench in 1698 was the grandfather of Rev. Clayton Mordaunt Cracherode (1730-99), the eminent bibliophile and print-collector who was a major benefactor of the British Museum.²⁹ Mordant was baptized on 27 March 1650 at Toppesfield, Essex, the second son of Mordaunt and Dorithy of Cust Hall. Details of his early life are obscure, but we do know that on 11 December 1678 'Mordant Cracherode of S^t Paul Covent Garden aged about 27 yeares Lynnen Draper and a Batchile^r,' applied for a licence to marry Jane Calthorp/Calthrop, aged twenty-one and upwards.³⁰ The couple's only child, Isabella Dorathea, was baptized on 3 March 1680 at St Paul's. Within ten months of this event, however, Jane died and was buried at her family's ancestral seat at Ampton, Suffolk, on 11 January 1681. Mordant lived with his loss for nearly two years, and then on 11 October 1682, 'aged about thirty', he applied for a licence to marry Elizabeth Bullock of Hornsey, spinster, who was about seventeen at the time, the eldest daughter of Edward Bullock.³¹ Her sister Barbara later married George Abbot, linen draper of Covent Garden, who was Cracherode's apprentice and subsequently, perhaps, his business partner. The Bullocks, a gentry family like the Calthorps, were seated at Faulkbourne Hall, near Braintree in Essex. Elizabeth (*d.* 1694) and Mordant had at least seven children, of whom the second-born, named after his father, was the most distinguished. Mordant senior survived into the new century and was buried 'in y^e Church' at Covent Garden on 7 January 1709.³²

²⁹ See *Oxford Dictionary of National Biography* (henceforth *ODNB*), s.v. 'Cracherode, Clayton Mordaunt'.

³⁰ See *Llp: Vicar General's Marriage Allegations VM I/10*, and the transcription in Joseph Lemuel Chester and George J. Armytage (eds), *Allegations for Marriage Licences ... issued by the Vicar-General of the Archbishop of Canterbury 1660-1679* (London: Harleian Society 23, 1886), 289.

³¹ See *Llp: Vicar General's Marriage Allegations VM I/12* (16 May 1681 to 1 November 1683); the date of the licence is inaccurately transcribed as 10 October in George J. Armytage (ed.), *Allegations for marriage licences issued by the Vicar-General of the Archbishop of Canterbury: July 1679 to June 1687*, (London: Harleian Society 30, 1890), 110.

³² Walter C. Metcalfe (ed.), *The Visitations of Essex*. 2 vols. (London: Harleian Society 13-14, 1878-79), 2:646; CWAC: Registers of St Paul's Covent Garden, Burials 3, 206.

‘Covent Garden is the Heart of the Town’³³

The social, economic, and cultural life of that part of Westminster in which Cracherode lived and worked is of crucial relevance to our enquiry. Covent Garden had been a greenfield site on the western edge of London until 1629, when Francis Russell, fourth Earl of Bedford, began to develop the twenty acre plot and transform it into an exclusive residential suburb ‘fitt for the habitacions of Gentlemen and men of abillity’.³⁴ In consultation with Charles I and Inigo Jones, Surveyor of the King’s Works, he formulated plans for an Italianate housing development surrounding a central piazza that was destined to become London’s first square, with three sides of tall terraced houses completed on the west side by the new parish church of St Paul Covent Garden in matching Palladian design. The rents attached to the newly constructed mansions were beyond the reach of all but the best families, and soon City tradesmen at the quality end of the market moved westwards, attracted by the business potential of the district. However, it was only after the Restoration that it gained its reputation as a high-profile site of élite consumerism. Substantial retail outlets began to appear in the local rate books of the 1670s, with Bedford Street, King Street, and Henrietta Street in particular becoming a centre for fashionable mercers, lacemen and linen drapers. John Strye’s description of the parish, with ‘its fine, streight [*sic*], and broad Streets, replenished with such good Buildings, and so well inhabited by a Mixture of Nobility, Gentry, and wealthy Tradesmen, here seated since the Fire of *London* 1666, scarce admitting of any Poor, not being pestered with mean Courts and Alleys’, was doubtless as true of the 1680s and 90s as it was of the early eighteenth century.³⁵ However, it would be easy to exaggerate the extent to which Covent Garden constituted a socially segregated enclave; the area may have been built as a showcase for wealth and state, but it could not insulate itself from the turbulent

³³ Richard Steele, *Town-Talk* (London: 1716), 5.

³⁴ F. H. W. Sheppard (gen. ed.), *The Survey of London 36: The Parish of St Paul Covent Garden* (London: Athlone Press, 1970), 26, quoting from Bedford’s petition for his licence to build.

³⁵ John Stow (ed. John Strye), *A Survey of London*. 6 Books. (London: 1720), 6:87.

diversity that characterized commercial culture in early modern England. Some of its exclusivity was sacrificed on the altar of convenience around 1655, when a market was added to the centre of the square. Furthermore, Covent Garden had had an unbroken association with the theatre since the early 1630s, and the establishment of the Theatre Royal in nearby Brydges Street in 1663 imparted a raffish quality to the neighbourhood. As an urban recreational space it attracted people from all walks of life, and many artists, musicians, actors and playwrights took up residence in the area to be near their place of work.³⁶

Cracherode was not the sort of retailer one would normally turn to for the supply of inexpensive textiles for everyday household use and clothing, though on occasion he did provide his parish church with practical attire in the form of linen surplices.³⁷ From business premises on the south side of Henrietta Street, which he occupied from the mid-1670s, he was linen draper to the rich and famous.³⁸ Together with his elder brother Anthony, who was a woollen draper in nearby Bedford Street, they fulfilled a number of government contracts for the provision of goods to the royal family and the armed forces. The Treasury Books for March 1690 contain a payment to 'Mr. Cracherode, linen draper' for £332 10s 0d, under the heading 'Accounts of tradesmen's bills for the Robes for one year from the King's Accession to Feb. 13 last'.³⁹ In the same year Anthony was contracted to provide clothing for several regiments serving in Ireland;⁴⁰ and in May 1695 he received £330 3s 6d and £258 8s 6d in

³⁶ See Lawrence Stone, 'The Residential Development of the West End of London in the Seventeenth Century', in Barbara C. Malament (ed.), *After the Reformation: Essays in Honor of J. H. Hexter* (Philadelphia: University of Pennsylvania Press, 1980), 167–212; J. F. Merritt, *The social world of early modern Westminster: Abbey, court and community 1525–1640* (Manchester and New York: Manchester University Press, 2005); and Adam Zucker, *The places of wit in early modern English comedy* (Cambridge: Cambridge University Press, 2011). We know from contemporary legal records that the poet and dramatist Elkanah Settle (1648–1724), for whose tragedy *Distress'd Innocence* (1690) Purcell composed the incidental music, shopped in Covent Garden.

³⁷ CWAC, MS 426/151: St Paul's Covent Garden, Churchwardens' Accounts for 8 February 1692/3, at 14.

³⁸ *Ibid.*, MS H456-472: St Paul's Covent Garden, Overseers' Accounts 1675-1693.

³⁹ William A. Shaw (ed.) *Calendar of Treasury Books 1660–1718*. 32 vols. (London: Her Majesty's Stationery Office, 1904–61), 9/2:535.

⁴⁰ *Ibid.*, 9/2:548.

respect of various monies owed to the late Queen Mary's servants and tradesmen.⁴¹ Mordant could also count among his clientele the wives and daughters of affluent city merchants and professionals, as well as members of the nobility and gentry, as the following receipt from Sarah Churchill, later Duchess of Marlborough, shows:

Received of y^e Right Honour^{ble} y^e Lady Churchell ffebruary y^e 12 1684
[1685] In full y^e sune of eighteene pounds & seventeene shillings for y^e
use of my Master Mordant Cracherode[.] I say Received by me

Geo: Abbott

£18. 17. 00⁴²

Covent Garden was clearly a highly select and expensive retail environment, though – as the second lawsuit demonstrates – it was not one that the Purcells considered to be beyond their means.

Cracherode v. Purcell

Let us now look more closely at the details of the case. On Friday 24 June 1698 (the first day of Trinity term) Mordant Cracherode initiated proceedings against Frances Purcell as executrix of her dead husband's will.⁴³ The preamble to the litigation states that the action belongs to the type known as 'trespass on the case', that is, an action to recover damages that are not the immediate result of a wrongful act but rather a later consequence. Although Cracherode's bill is relatively straightforward and typical of its kind, it does present several problems of interpretation for anyone unfamiliar with common-law procedure. To avoid the misconceptions that would inevitably arise from a literal reading of the text, a brief

⁴¹ Ibid., 10/3:1076, 1079. One of the Cracherodes' competitors in Bedford Street, Thomas Alchorne and Partner, also supplied the fashion-conscious queen with a range of materials for which the bills and invoices still survive; see London, British Library (henceforth *Lbl*): MS Add. 5751A; CWAC: St Paul's Covent Garden, Overseers' Accounts for the early 1690s; and Aileen Ribeiro, *Fashion and Fiction: Dress in Art and Literature in Stuart England* (New Haven and London: Yale University Press, 2005), 285–90.

⁴² *Lbl*: MS Add. 61346 (Blenheim Papers, vol. ccxvi), f. 110.

⁴³ See Documents 2 for a transcription and translation (31–38 below).

explanation of the legal background has been provided to help readers better understand the case and some of the more curious aspects of seventeenth-century pleading.

The action used to prosecute trespass on the case was known by the Latin name ‘assumpsit’ (‘he undertook’), in which damages was the primary remedy. Because the plaintiff alleged that the defendant, being indebted (‘indebitatus’) in a certain sum of money, promised to re-pay that sum, the appropriate form of pleading was called ‘indebitatus assumpsit’. It was necessary to show how the debt had arisen, but the details of the transaction needed only to be set out in summary form. Thus there developed a small number of standard formulae – the so-called indebitatus or ‘common’ counts – to cover the situations that arose most frequently. For instance, a shopkeeper wishing to bring an action for the price of goods against the purchaser would use the common count ‘for goods sold and delivered at his request’; or a carpenter suing for wages would count that his client was indebted to him in £*n* for ‘work and services performed’, and so forth. Even if there was no sum certain, as when, for example, the defendant ordered goods or services without first agreeing the price to be paid for them, an action could still lie; the plaintiff would simply base his claim on an assessment of the reasonable value of work done (‘quantum meruit’ – ‘as much as he deserved’) or of goods supplied (‘quantum valebant’ – ‘as much as they were worth’). These various types of count were commonly used in the alternative, that is, the plaintiff could allege several versions of the same claim in multiple counts; no restriction was imposed on the number of these alternatives, which were quite fictional and not necessarily even consistent with each other. The reason why the practice of alternative pleading, with all its apparent prolixity and redundancy, enjoyed such longevity in the English legal system was that it provided a hedge against the unpredictable nature of the trial process. One of the lawyer’s most challenging tasks was to identify, from the wealth of information gathered in bringing a case to court, the particular facts that would support most persuasively his client’s

position. Furthermore, situations frequently arose in which one simply had no way of knowing, in advance of trial, which of several equally convincing versions of his claim would be upheld by the evidence. Multiple counts were therefore introduced as a means of maximizing the lawyer's flexibility should the testimony unfold in unforeseen directions.

According to Cracherode's declaration, Purcell became indebted to him on 3 June 1692 in the parish of St Martin-in-the-Fields in a transaction allegedly involving the sum of £100, 'for divers goods and wares sold and delivered by the same Mordant unto the said Henry ... at [his] special instance and request'.⁴⁴ As already indicated, the bill does not specify the nature of the goods, or whether they were bought for the use of Frances or Henry, or both of them. It would certainly be wrong automatically to assume that they were Henry's purchases simply because he is cited as defendant in the case. Married women's choices were effectively concealed behind the names of their men in the ledgers of most shopkeepers because of the common-law principle of coverture, which deprived wives of the ability to enter into economic contracts in their own right. In any subsequent litigation, a married woman's debts became the responsibility of her husband because she was a 'feme covert', entitled to the protection of her 'baron' or 'lord'. The English courts also developed the so-called 'law of necessities', which further enforced a husband's obligation to support his wife during an ongoing marriage. Under this doctrine wives enjoyed the right to pledge their husband's credit for 'necessary' (but not 'luxury') goods. 'Necessaries' referred to more than articles essential for the preservation of life, and could include items that were considered appropriate to the woman's social position; thus, an expensive dress might be held a necessity for the wife of a person of status, while only a more modest garment would be deemed 'necessary' for the spouse of a less well-to-do man. It was up to the vendor to determine the

⁴⁴ Because of disputes surrounding the creation of the new parish of St Paul's Covent Garden, which was carved out of an existing one (St Martin-in-the-Fields), the law was slow to recognize it as a distinct entity; however, the business was undoubtedly transacted in Cracherode's shop in Covent Garden. According to a conservative estimate, £100 had the purchasing power of about £20,000 in today's money.

creditworthiness of individuals by drawing on local knowledge and his perceptions of their spending patterns and social standing. If his judgment proved faulty, he could collect the wife's debt from her husband on a contract implied in law.⁴⁵

Cracherode's second count is of the 'quantum valebant' variety and alleges that, at 'the same day, year and place abovementioned', he sold to Purcell 'divers other goods and wares', for which Henry promised to pay him so much money as they 'were reasonably worth at the time of their sale and delivery'. Cracherode estimates the value of this merchandise at another £100, a figure that is quite fictitious since it is not additional to the original demand, but an alternative to it. He then concludes his declaration in the usual manner with an assignment of breach, setting out in characteristically formulaic language Purcell's various infractions of his obligation to pay:

'the aforesaid Henry ... and the aforesaid Frances after the said Henry's death, paying scant regard to his aforesaid promises and undertakings made in the aforesaid way, but contriving and fraudulently intending craftily and subtly to deceive and defraud the said Mordant in that behalf, has not yet paid the aforesaid several sums of money or any penny thereof unto the said Mordant or contented him in any wise for the same, although the said Henry ... and the aforesaid Frances after the said Henry's death was requested so to do by the said Mordant (namely on 10 May 1698 and frequently thereafter in the aforesaid parish in the aforesaid county); but the aforesaid Henry ... and the aforesaid Frances ... have altogether refused to pay the said Mordant the aforesaid several sums of money or any penny thereof, or to content the same Mordant in any wise for the same, and the aforesaid Frances still refuses to pay, to the damage of him the said Mordant £200. And thereof he produces suit'.

The reason why Cracherode is now claiming £200 is not because there was a second £100 shopping spree on 3 June 1692; rather, he is adding to Purcell's existing liability an amount

⁴⁵ Sir William Blackstone gives the clearest exposition of the early modern woman's unenviable position before the law in his *Commentaries on the Laws of England*. A Facsimile of the First Edition of 1765–1769. 4 vols. (Chicago and London: University of Chicago Press, 1979), 4:430. See also Erickson, *Women and Property*, 24; Margot C. Finn, *The Character of Credit: Personal Debt in English Culture 1740–1914* (Cambridge: Cambridge University Press, 2003), 14; and J. H. Baker, *An Introduction to English Legal History*. 4th ed. (Oxford and New York: Oxford University Press, 2007), chap. 28: 'Persons: Marriage and its Consequences'.

for interest, costs and charges that was traditionally calculated as being roughly equivalent to the alleged debt.⁴⁶

When the case came to court on 24 June 1698 Frances was represented by her brother John Baptist Peters, who initially addressed the quantum valebant count and denied that Henry had given the assurances claimed by Cracherode ‘in the manner and form as the aforesaid Mordant complains against him above’. Having therefore arrived at an issue, both parties put themselves ‘on the country’, that is, they expressed their willingness to stand trial and allow the matter to be decided by a petty jury. Peters then turned his attention to the declaration’s first count, and sought wholly to defeat Cracherode’s action by entering a plea in bar; this was a plea that, rather than addressing the merits and denying the facts alleged, introduced some extrinsic matter to show the court why the case against his client should not be allowed to proceed. Peters challenged Cracherode’s right of action by entering a plea of tender, that is, a pleading asserting that Frances had consistently been prepared to pay so much of the debt as she admitted to, namely seven shillings and sixpence. To comply with the law, she had to make this offer unconditionally to the plaintiff before his case came to court, so she claims that tender of the 7s 6d was made on 30 April that year. Since then, she has repeatedly tried to settle with Cracherode, who has refused her offer, and has now had the money brought into court to fulfil the conditions of her plea.

It is possible to discern Peters’s strategy in this legal skirmishing from what Blackstone has to say on the subject of tender:

‘... after tender and refusal of a debt, if the creditor harasses his debtor with an action, it then becomes necessary for the defendant to acknowledge the debt, and plead the tender; adding that he has always been ready, *tout temps prist*, and still is ready, *uncore prist*, to discharge it: for a tender by the debtor and refusal by the creditor will in all cases discharge the costs, but not the debt itself; though in some particular cases the creditor will totally lose his money.’⁴⁷

⁴⁶ However, juries almost always reduced to realistic levels the size of plaintiffs’ claims for such charges.

⁴⁷ Blackstone, *Commentaries*, 3:303–4.

In light of this, Peters asked that the case against Frances be dismissed. Cracherode then petitioned the court for leave to imparl, that is, he asked for time to consider his next step, and he was given until 23 January following, the first day of Hilary term 1699, to answer the defendant's plea. On that day Cracherode's attorney claimed that there was nothing in Frances's plea to preclude his client from proceeding with his action, and denied her allegation that she had offered to pay the 7s 6d. He therefore asked for the matter to be 'enquired into by the country', which was the plaintiff's way of submitting himself to the judgment of his peers. The sheriff was ordered to summon a jury to determine the matter and a date was set for the trial. Frustratingly, however, the case appears to have been discontinued and, with no record of any judgment, it must be assumed that an out-of-court settlement was brokered between the parties.

It is a matter of regret that *Cracherode v. Purcell* did not run its full legal course, because if it had we might have a better idea of how much the defendant really owed, and derive from that a clearer picture of what was bought. Certainly it would be a mistake to treat Cracherode's claim for £100 as an accurate tally of the Purcells' expenditure in his shop, for in actions on the case there was always a substantial difference between the defendant's actual liability and the sum that the plaintiff claimed in damages, which was invariably arbitrary and inflated. Had damages been awarded an 'inquisition', comprising twelve good and law-worthy men from the sheriff's bailiwick, would have been summoned and charged under oath with making a just assessment of the complainant's losses and costs; in every case of this type known to me, their deliberations produced a figure that was considerably lower than that claimed by the plaintiff. To illustrate the point: in 1753 a Bath tailor took the celebrated castrato Gaetano Guadagni to court for the price of garments that the tailor himself valued at £53, though he claimed £100 for them; an inquisition subsequently awarded him

£51 8s. 6d, plus £9 11s. 6d for his costs and charges.⁴⁸ Although Cracherode v. Purcell was abandoned before the point at which damages were sought, one can arrive at a rough estimate of the defendant's true liability by comparing the case with those Cracherode brought against his other customers. In the only one of these that reached judgment he claimed £500 (plus £100 costs) from one Alice Lee, but he was awarded just £157 13s. 4d (and £6 in costs and charges).⁴⁹ If the ratio of claim to award in this instance is applied *pro rata* to Cracherode v. Purcell, then Henry's debt could have been as little as £31.

The Purcells, Cracherode and credit

Almost certainly, Cracherode would not have expected to receive immediate payment for his merchandise, since his class of client usually demanded boundless and endless retail credit as of right. Three months was the norm, though certain customers received more favourable terms, especially if they were aristocratic. For instance, in the summer of 1694 Cracherode sued Thomas Grey, second earl of Stamford, for unpaid goods that the countess had bought from him in October 1690, when she was single;⁵⁰ but such forbearance was uncharacteristic of Cracherode, as other cases amply demonstrate. In January 1695 he initiated proceedings against Edward Hodgson for a debt of fifty pounds incurred some three months earlier; at Easter 1697 he took John Thurman to court for the sum of thirty pounds that was owing since the previous December;⁵¹ and in the following autumn, in the case involving the above-mentioned Alice Lee, he sued for damages and costs of six hundred pounds arising from business transacted in June of that year. Why did Cracherode wait so long for Frances to settle her account, and why did he bring his action when he did? The answer to the second question has two key aspects. News of Frances's posthumous publication of several of her

⁴⁸ See Cheryll Duncan, "'Young, Wild, and Idle': New light on Gaetano Guadagni's early London career' *The Opera Journal* 44 (2013), 3–28.

⁴⁹ TNA: KB27/2123 (Michaelmas 1697), rot. 536.

⁵⁰ TNA: CP40/3130 (Trinity 1694), rot. 319.

⁵¹ TNA: KB27/2106 (Hilary 1695), rot. 151; KB27/2124 (Hilary 1698), rot. 95.

husband's works may have filtered through to Cracherode over the period 1696-98, leading him to conclude (rightly or wrongly) that the profits derived therefrom had put her in a better position to pay off what she owed.⁵² The second major consideration for Cracherode was undoubtedly the Statute of Limitations (1623), which prescribed the periods within which proceedings to enforce a right had to be taken, or the action would otherwise be barred.⁵³ The time limit assigned for the prosecution of actions in tort, trespass, case, debt and simple contract was six years from the date the debt became due. If the event or combination of events giving rise to the plaintiff's cause of action fell outside the time-frame laid down for it, the defendant could plead the Statute of Limitations in bar of such action. A litigant and his attorney therefore had to be aware of such temporal restrictions and ensure that his claim was not out of time, for if the lawsuit was not filed before the statutory deadline the right to sue or make a claim was dead for ever.⁵⁴ The Purcells became indebted to Cracherode on 3 June 1692, and he filed his suit against Frances in May 1698, in the very nick of time.

The other fundamental question one needs to ask is: why did Cracherode, who was not known for his patience with creditees, wait to the latest possible moment before going to court? Here there are no ready answers. His perspective on Frances's indebtedness may have been culturally determined to some extent; after all, showing kindness to widows and fatherless children was a long-sanctioned Christian precept in early modern Europe. However, charity alone cannot have motivated Cracherode, for by the time of Henry's death he had already indulged the couple for over three years from the date the debt was payable. After 1695 his generosity extended for another three years until he was faced with the stark choice of either losing his money irretrievably or litigating. It is difficult to account for his apparent reluctance to sue without entering the realms of speculation, but it seems likely that

⁵² The publications included *A Choice Collection of Lessons for the Harpsichord or Spinnet* (1696), *A Collection of Ayres, Compos'd for the Theatre* (1697), *Ten Sonata's in Four Parts* (1697), *Te Deum & Jubilate, for voices and instruments* (1697), and *Orpheus Britannicus*, Book 1 (1698).

⁵³ 21 Jac. I. c.16; see *Statutes at Large III: James I – William III* (London: 1770), 100-102.

⁵⁴ See Blackstone, *Commentaries*, 3:307-8.

such favour as he showed the Purcells would have been reserved only for regular clients whose custom he was anxious to retain, or whose loyalty over the years he wished to reward.

Assuming that the business the Purcells transacted on 3 June 1692 was not an isolated, one-off event, one needs to address the question of why a ‘middling’ family such as they shopped for clothes in a high-end retail outlet like Cracherode’s. Had Henry’s work for the stage, which had occupied most of his time since *c.* 1690, been so lucrative that he could now afford Covent Garden prices? Had the Purcells recently moved from Bowling Alley to the Covent Garden area to be near the London theatres, and was it simply the case that Cracherode’s emporium was close to their new abode? Or were they now moving in a more élite social circle, and had one of its members recommended the linen draper to them? Certainly, the celebrity that Purcell enjoyed in the early 1690s appears to have given him more direct access to the upper echelons of society, as his list of pupils at the time – which included Lady Rhoda Cartwright and Lady Annabella Howard – bears witness.⁵⁵ Annabella was the fourth wife of the poet and politician Sir Robert Howard (1626-98), whose granddaughter Diana was another of Henry’s students; and Howard’s brother-in-law was John Dryden, with whom the composer collaborated on many stage productions in the early nineties. It is impossible to say how the Purcells would have reacted to the courtly and theatrical environment in which they occasionally found themselves, and so one can only tentatively weigh up the possibilities. Historians today still draw on Veblen’s theory of ‘conspicuous consumption’ to alert us to the ways in which consumption (and not only work and income) structures and rationalizes social inequality. Dress in particular was a potent marker of social rank in late seventeenth-century London, and people used clothes to enhance their social credit and define their position in society. In a city where appearances mattered greatly, a man’s reputation depended as much on what his wife and daughters wore – not

⁵⁵ Frances later dedicated to them the *Ten Sonata’s* and the first book of *Orpheus Britannicus* respectively. For Lady Rhoda, see Burden, “He had the honour to be your master”; for more on the Purcell/Howard nexus, see Robert Thompson, ‘Sources and Transmission’, in Herissone (ed.), *The Ashgate Research Companion*, 47–49.

least because it was most often he who footed the bill – as on the quality and cut of his own outfit.⁵⁶ But consumption was not just about status and hierarchy; it was also concerned with symbolic communication between individuals and groups.⁵⁷ Goods acquired value in a shared system of meaning and played an important role as symbols of belonging in social networks. Clothes bound people together and fostered female friendships, with consumer peer-groups exerting the most significant influence on shopping habits. Consumption practices therefore shaped identity and sociability, and operated as a means of social inclusion and exclusion.⁵⁸ Constant exposure to new fashions must have intensified the need to keep pace with the latest trends, a situation made all the more tempting by retailers like Cracherode who offered goods on credit. In the circumstances one could perhaps understand it if the Purcells, inhabiting the fashionable *beau monde* of courtly society and the élite side of London's theatre scene, felt the need to emulate their social superiors.⁵⁹

Conclusion

The King's Bench documents allow us glimpses into Purcell's family life, seen 'through a glass darkly'. This is particularly so with regard to the first case which, when contextualized within his biography, appears to lend itself to two possible readings: either Amy Howlett borrowed the forty pounds for an unspecified purpose, or she took on the debt as a form of mortgage repayment on Purcell's Bowling Alley house after he had vacated it. In either case, the *cognovit* functioned as security for the loan, an understandable precaution for Purcell to have taken in light of his own somewhat precarious financial situation after over-reaching

⁵⁶ Tim Reinke-Williams, 'Women's clothes and female honour in early modern London' *Continuity and Change* 26 (2011), 69–88.

⁵⁷ Frank Trentmann (ed.), *The Oxford Handbook of the History of Consumption* (Oxford: Oxford University Press, 2012), chap. 1: 'Introduction,' at 9–10.

⁵⁸ Claire Walsh, 'Shops, Shopping, and the Art of Decision Making in Eighteenth-Century England', in John Styles and Amanda Vickery (eds), *Gender, Taste, and Material Culture in Britain and North America 1700–1830*. Studies in British Art 17. (New Haven and London: Yale University Press, 2006), 151–77.

⁵⁹ The composer's use of clothing as a means of self-promotion is discussed in Cheryll Duncan, 'Henry Purcell's *Sonnata's of III Parts* and the construction of identity' (forthcoming).

himself with the score of *Dioclesian*. Depending on the view one takes of the *cognovit*, Purcell either acted magnanimously in coming to his sister-in-law's aid, or the loan was a matter-of-fact transaction made as part of the process of transferring the title in his former property to her. The second case demonstrates that the Purcells were in debt at the time of Henry's death.⁶⁰ It is generally acknowledged that the reason why Frances published so much of her husband's music posthumously was to generate an income that would help support her and her children in widowhood. Some commentators have gone a step further and taken Frances's dedications at their word, believing that she was also motivated by a desire to perpetuate his memory. The case of *Cracherode v. Purcell* suggests that there may have been a third reason for the flurry of publishing activity between 1696 and 1698 – Frances's need to settle a debt which, despite her attempt to underestimate it in court, was substantial. If Henry had lacked the means to pay off the money he owed Cracherode, then his widow would surely have struggled to do so, left – as she was – without even the pension to which she was entitled.⁶¹ Providing for herself and her children were overriding considerations, but acquitting the debt must also have been a major preoccupation. Finally, both cases now enable us to close the book on the question of who were Purcell's in-laws – a subject on which even the composer's most recent biographer has expressed some uncertainty.⁶² Given what we know about the origins of Amy Howlett and Frances Purcell, there can be no doubt that John Baptist Peters defended them because they were his sisters.

⁶⁰ Zimmerman, *Henry Purcell*, 191, states that '[s]traitened financial circumstances ... were to be [Purcell's] lot during his last five years'; this may well have been the case, though the author cites no documentary evidence in support of this contention.

⁶¹ Her pension of £40 *per annum* was not paid until 25 March 1703, and even this was reduced to a paltry £20 from Michaelmas 1705, the year before she died; see Ashbee (ed.), *Records of English Court Music*, 8:308, and Shaw (ed.), *Calendar of Treasury Books 1660–1718*, 20/2:83.

⁶² Wood, *Purcell: An Extraordinary Life*, 55.

DOCUMENTS

1. Henry Purcell v. Amy Howlett

KB27/2086 (Trinity 3 William & Mary), part 2, *rotulus dccccviii*⁶³

Londonie Henricus Purcell *ponit loco suo Ricardum Bogan Attornatum suum versus*
Amiam Howlett de placito debiti etc.

Londonie Amia Howlett *ponit loco suo Johannem Baptistam Peters Attornatum suum*
versus Henricum Purcell de placito debiti etc.

Londonie Memorandum quod die veneris proximo post crastinum sancte Trinitatis isto
eodem Termino coram Domino Rege et Domina Regina apud
Westmonasterium venit Henericus [sic] Purcell per Ricardum Bogan
Attornatum suum et protulit hic in Curia dictorum Domini Regis et Domine
Regine tunc et ibidem quandam billam suam versus Amiam Howlett Viduam
in Custodia Marrescalli etc. de placito debiti Et sunt plegii de *prosequendo*
scilicet Johannes Doe et Ricardus Roe que quidem billa sequitur in hec verba
scilicet Londonie Henericus [sic] Purcell queritur de Amia Howlett Vidua in
Custodia Marrescalli Marescalcie Domini Regis et Domine Regine coram ipsis
Rege et Regina existente de placito quod reddat ei Quadringinta libras legalis
monete Anglie quas ei debet et iniuste detinet pro eo videlicet quod cum
predicta Amia vicesimo die Maij Ann^o regni Domini Williemi et Domine
Marie nunc Regis et Regine Anglie etc. tertio apud Londoniam predictam
videlicet in parochia Beate Marie de Arcubus in Warda de Cheape mutuata
fuisset de prefato Henrico predictas Quadringinta libras Solvendas eidem

⁶³ The third year of William and Mary's reign covered the period 13 February 1691 to 12 February 1692. The *rotulus* number designates the point at which the case appears on the plea roll, without specifying the recto or verso side of the parchment; Purcell v. Howlett is therefore on the 909th 'roll'. In the transcriptions that follow, expanded abbreviations and contractions are shown in italics; text placed between convergent oblique lines indicates an interlineation in the MS; text in square brackets is editorial.

Henrico cum inde postea requisita esset *predicta* tamen Amia licet sepius requisita etc. *predictas* Quadringinta libras eidem Henrico nondum solvit sed illas ei hucusque soluere omnino contradixit et adhuc contradicit ad dampnum ipsius Henrici Centum librarum Et inde producit sectam etc.

Et *predicta* Amia Howlett per Johannem Baptistam Peters Attornatum suum dicit quod ipsa non potest dedicere accionem *predictam* *predicti* Henrici Purcell supradictam nec quin ipsa debet dicto Henrico *predictas* Quadringinta libras modo et forma provt *predictus* Henricus versus⁶⁴ eam⁶⁵ narravit

cognovit
xxvij^o die
Junij 1691
Mia⁶⁶

Ideo consideratum est quod *predictus* Henricus Purcell recuperet versus prefata Amia Howlett debitum suum *predictum* necnon Quadringinta et tres solidos et quatuor denarios pro dampnis suis que sustinuit tam occasione detencionis debiti illius quam pro misis et custagiis suis per ipsum circa sectam suam in hac parte apposis eidem Henrico per Curiam dictorum Domini Regis et Domine Regine nunc hic ex assensu suo adiudicatis Et *predicta* Amia Howlett in *Misericordia* etc.

Translation⁶⁷

London Henry Purcell appoints⁶⁸ Richard Bogan as his attorney against Amy Howlett in a plea of debt etc.

London Amy Howlett appoints John Baptist Peters as her attorney against Henry Purcell in a plea of debt etc.

London Be it remembered that on Friday next after the morrow of the Holy Trinity⁶⁹ in this same term there came before the Lord King and Lady Queen at

⁶⁴ Mark of contraction omitted in MS

⁶⁵ 'eum' for 'eam'

⁶⁶ 'Mia', a contraction of 'misericordia', indicates at a glance that the defendant lost the case.

⁶⁷ Punctuation has been added tacitly to the translations.

⁶⁸ Literally 'puts in his place' the named attorney as his legal agent.

⁶⁹ 12 June, the first day of Trinity term 1691.

Westminster Henry Purcell by Richard Bogan his attorney, and he brought here into the court of the said Lord King and Lady Queen then and there a certain bill of his against Amy Howlett, widow, in the custody of the marshal [of the marshalsea] in a plea of debt. And there are pledges of prosecution, that is to say, John Doe and Richard Roe. Which bill follows in these words: London Henry Purcell complains of Amy Howlett, widow, being in the custody of the marshal of the Lord King and Lady Queen's marshalsea of the King's Bench, on a plea that she should render to him forty pounds of legal money of England which she owes him and unlawfully withholds; that is to say, that whereas the aforesaid Amy on the twentieth day of May in the third year of the reign of the Lord William and Lady Mary now King and Queen of England [1691], in London aforesaid, namely in the parish of St Mary-le-Bow in the Ward of Cheap, had borrowed of the abovementioned Henry the aforesaid forty pounds, to be paid to the same Henry whenever afterwards she should thereunto be requested. Nevertheless, the aforesaid Amy, although frequently asked etc., has not yet paid the aforesaid forty pounds to the same Henry, but has so far altogether refused to pay them [i.e. the £40] to him and still refuses, to the loss of him the said Henry one hundred pounds. And he produces suit thereof, [and good proof].

And the aforesaid Amy Howlett by John Baptist Peters, her attorney, says that she cannot gainsay the aforesaid action of the aforesaid Henry mentioned above, nor but that she oweth the said Henry the aforesaid forty pounds in the manner and form as the aforesaid Henry has declared against her.

Action ac- Therefore it is decided that Henry Purcell should recover against the
knowledge aforementioned Amy Howlett his aforesaid debt, and also forty-three shillings

27th day of and four pence for his damages which he sustained as much on account of the
June 1691 withholding of that debt as for his costs and charges laid out by him about his
 suit in that behalf, awarded to the same Henry with his assent by the court of
 the said Lord King and Lady Queen now here. And [be] the aforesaid Amy in
Mercy mercy etc.

2. Mordant Cracherode v. Frances Purcell

KB27/2130 (Hilary 10 William III), part 1, *rotulus ccccli*⁷⁰

Middlesexie Mordant Cracherode *ponit loco suo Josephum Dell Attornatum suum versus*
Francam Purcell viduam Executricem Testamenti et \vltime/ voluntatis Henrici Purcell nuper
viri sui defunctis de placito transgressionis super Casum

Middlesexie Franca Purcell *vidua Executrix Testamenti et vltime voluntatis Henrici Purcell*
nuper viri sui defunctis ponit loco suo Johannem Baptistam Peters Attornatum suum adversus
Mordant Cracherode de placito predicto

Middlesexie Memorandum quod die veneris proximo post Crastinum beate Trinitatis [1698]
isto eodem Termino coram Domino Rege apud Westmonasterium venit Mordant Cracherode
per Josephum Dell Attornatum suum Et protulit hic in Curia dicti domini Regis tunc ibidem
quandam billam suam *versus Francam Purcell viduam Executricem Testamenti et vltime*
voluntatis Henrici Purcell nuper viri sui defuncti in custodia Marrescalli etc de placito
transgressionis super Casum Et sunt plegii de proseguendo scilicet Johannes Doe et Ricardus
Roe que quidem \billa/ sequitur in hec verba Middlesexie Mordant Cracherode *queritur de*
*Franca Purcell vidua Executrice Testamenti et vltime voluntatis Henrici Purcell vidua*⁷¹ *nuper*
viri sui defuncti in custodia Marrescalli Marescalcie dicti domini Regis coram ipso Rege
existente pro eo videlicet quod cum predictus Henricus Purcell in vita sua scilicet tercio die

⁷⁰ The tenth year of William III's reign extended from 13 February 1698 to 12 February 1699; Hilary term 1699 began on 23 January and ended on 13 February.

⁷¹ 'vidua' is superfluous here.

Junij anno domini Millesimo sexcentimo nonagesimo secundo apud parochiam Sancti Martini in Campis in \Comitatu/ Middlesexie predicto [1]⁷² indebitatus fuisset prefato Mordant in Centum libris legalis monete Anglie pro diuersis Mercimoniis et Merchandizis ipsius Mordant per ipsum Mordant eidem Henrico in vita sua ad specialem instanciam et requisicionem ipsius Henrici in vita sua ante tempus illud venditis et deliberatis Et sic inde indebitatus existens idem Henricus in vita sua in consideratione inde postea scilicet eisdem die Anno et loco supradicto super se assumpsit et eidem Mordant adtunc et ibidem fideliter promisit quod ipse idem Henricus in vita sua predictas Centum libras eidem Mordant cum inde postea requisitus esset bene et fideliter soluere et contentare vellet [2] Cumque etiam predictus Henricus in vita sua postea scilicet eisdem die Anno et loco supradicto in consideratione quod predictus Mordant ad specialem instanciam et requisicionem ipsius Henrici in vita sua vendidisset et deliberasset eidem Henrico in vita sua diuersa \alia/ Mercimonia et Merchandiza super se assumpsit et eidem Mordant adtunc et ibidem fideliter promiset [sic] quod ipse idem Henricus in vita sua omnes tantas denarii summas quanta Mercimonia et Merchandiza predicta vltimo mencionata sic vt proferta vendita et deliberata tempore vendicionis et deliberacionis eorundem rationabiliter valebant eidem Mordant cum inde postea requisitus esset bene et fideliter soluere et contentare vellet Et idem Mordant in facto dicit quod Mercimonia et Merchandiza predicta vltimo mencionata sic vt proferta vendita et deliberata tempore vendicionis et deliberacionis eorundem rationabiliter valebant aliam summam Centum librarum consimilis legalis monete Anglie scilicet apud parochiam predictam in Comitatu predicto Et inde predictus \Henricus/ in vita sua postea scilicet eisdem die Anno et loco supradicto noticiam habuit Predictus [tamen] Henricus in vita sua et predicta Franca post ipsius henrici mortem promissiones et assumptiones predicti Henrici in vita sua in forma predicta factas minime curans sed machinans et fraudulenter

⁷² Arabic numbers in bold type are used to identify the multiple counts.

intendens eundem Mordant in hac parte callide *et* subdole decipere *et* defraudare *predictas* separales denarii summas seu aliquem inde denarium eidem Mordant nondum solvit nec ei pro eisdem hucusque aliquantulum contentavit licet ad hoc faciendum idem Henricus in vita sua *et predicta* Franca post ipsius Henrici mortem per prefatum Mordant (scilicet Decimo die Maij Anno domini Millesimo sexcentesimo nonagesimo octavo *et* sepius postea apud parochiam *predictam* in Comitatu *predicto* requisitus fuit) sed *predictus* Henricus in vita sua *et predicta* Franca post ipsius Henrici mortem *predictas* separales denarii summas seu aliquem inde denarium eidem Mordant soluere seu eundem mordant pro eisdem aliquantulum contentare omnino recusaverunt *et predicta* Franca adhuc soluere recusat ad dampnum ipsius Mordant Ducentarum librarum Et inde producit Sectam *etc.*

Et *predicta* Franca per Johannem Baptistam Peters Attornatum suum venit *et* defendit vim *et* iniuriam quando *etc* Et quoad secundam promissionem *et* assumptionem in narratione *predicta* superius fieri supponitur eadem Franca dicit quod *predictus* Henricus non assumpsit super se modo *et* forma provt *predictus* Mordant superius versus eam queritur Et de hoc ponit se [super] patriam Et *predictus* Mordant inde similiter *etc* Et quoad primam promissionem *et* assumptionem in narratione *predicta* superius fieri supponitur eadem Franca dicit quod *predictus* Mordant Accionem suam *predictam* inde versus eam habere seu manutenere non debet quia quoad Nonaginta novem libras duodecim solidos *et* sex denarios de *predictis* Centum libris parcellam eadem Franca dicit quod *predictus* Henricus non assumpsit super se modo *et* forma provt *predictus* Mordant superius versus eam queritur Et de hoc ponit se super patriam Et *predictus* Mordant inde similiter *etc* Et quoad Septem solidos *et* sex denarios de *predictis* Centum libris residuum eadem Franca dicit quod ispa eadem Franca post confeccionem promissionis *et* assumptionis illius *et* ante exhibicionem bille *predicte* Mordant /*predicti*/ scilicet Tricesimo die Aprilis Anno regni domini Regis nunc Decimo apud parochiam *predictam* parata fuit *et* obtulit ad solvendum eidem Mordant

predicto septem solidos et sex denarios quos quidem septem solidos et sex denarios idem
Mordant de prefata Franca adtunc et ibidem recipere penitus recusavit Et eadem Franca
vlterius dicit quod ipsa eadem Franca semper postea hucusque parata fuit et adhuc existit ad
solvendum prefato Mordant eosdem septem solidos et sex denarios ac illos hic in Curia
profert parata \prefato/ Mordant \solvendum/ si idem Mordant eosdem septem solidos et sex
denarios recipere velit Et hoc parata est verificare vnde petit Judicium si predictus Mordant
Accionem suam predictam inde versus eam habere seu manutenere debeat etc Et predictus
Mordant petit diem ad predictum placitum prefate France interloquendi et ei conceditur etc
super hoc dies inde data est partibus predictis coram Domino Rege apud Westmonasterium
vsque diem lune proximo post Octavas Sancti Hillarii videlicet [1699] prefato Mordant ad
placitum prefatum France predicte interloquendum et tunc ad replicandum etc ad quem diem
\coram/ Domino Rege apud Westmonasterium venit tam predictus Mordant quam predicta
Franca per Attornatos suos Et predictus Mordant quoad predictum placitum predicte France
quoad predictos septem solidos et sex denarios superius placitados dicit quod ipse per aliqua
in eodem placito preallegata ab accione sua predicta inde versus eandem Francam habenda
precludi non debet quia dicit quod predicta Franca non obtulit ad solvendum eidem Mordant
eosdem septem solidos et sex denarios provt eadem Franca superius inde placitando allegavit
Et hoc petit quod inquiretur per patriam et predicta \Franca/ similiter etc Ideo \tam/ ad
triandum exitum istum quam predictum alium exitum inter partes predictas superius similiter
iunctum veniat inde Jurata coram Domino Rege apud Westmonasterium diem [blank]
proximo post [blank] et qui nec etc ad recognoscendum etc quia tam etc Idem dies data est
partibus predictis ibidem etc.

Translation

Middlesex Mordant Cracherode appoints Joseph Dell as his attorney against Frances Purcell, widow, executrix of the last will and testament of Henry Purcell, her late deceased husband, in a plea of trespass on the case.

Middlesex Frances Purcell, widow, executrix of the last will and testament of Henry Purcell, her late deceased husband, appoints John Baptist Peters as her attorney against Mordant Cracherode in the plea aforesaid.

Middlesex Be it remembered that on Friday next after the morrow of the Holy Trinity⁷³ in the present term there came before the Lord King at Westminster Mordant Cracherode by Joseph Dell his attorney, and he brought here in the said Lord King's court, then there, a certain bill of his against Frances Purcell, widow, executrix of the last will and testament of Henry Purcell, her late deceased husband, in the custody of the marshal etc., in a plea of trespass on the case. And there are pledges for prosecuting, namely John Doe and Richard Roe. Which bill follows in these words:

Middlesex Mordant Cracherode complains of Frances Purcell, widow, executrix of the last will and testament of Henry Purcell, her late deceased husband, who is in the custody of the marshal of the Lord King's Marshalsea before the King himself [i.e. the Marshalsea of the King's Bench], because, that is to say, whereas the aforesaid Henry during his lifetime, namely on 3 June in the year of our Lord 1692, in the parish of St Martin-in-the-Fields in the county of Middlesex aforesaid, **(I)** was indebted to the said Mordant in £100 of lawful money of England for divers of the same Mordant's goods and wares sold and delivered by the same Mordant unto the said Henry during his lifetime at the special instance and request of the said Henry ... before that time.⁷⁴ And being so indebted, the said Henry afterwards in his lifetime in consideration thereof, that is to say, the same day, year and place abovementioned did take

⁷³ 24 June 1698, the first day of Trinity term.

⁷⁴ Dots indicate the omission of occasional redundancies in the legal language.

upon himself and to the said Mordant then and there faithfully promise that he the said Henry in his lifetime would well and truly pay and satisfy the aforesaid £100 to the said Mordant when he should be thereunto required. (2) And whereas also the said Henry afterwards in his lifetime, that is to say, the same day, year and place abovementioned, in consideration that the said Mordant at the special instance and request of the said Henry ... had sold and delivered divers other goods and wares, did take upon himself and to the said Mordant then and there faithfully promise that he the said Henry in his lifetime would well and truly pay and satisfy all such sums of money to the said Mordant when he should be thereunto requested as the same last mentioned goods and wares, as produced, sold and delivered, were reasonably worth at the time of their sale and delivery. And the said Mordant in fact doth say that the same last mentioned goods, as produced, sold and delivered at the time of their sale and delivery, were reasonably worth the sum of another £100 of similar lawful money of England, namely in the aforesaid parish in the aforesaid county. And afterwards the aforesaid Henry in his lifetime, namely the same day, year and place abovementioned, had notice thereof. [Nevertheless]⁷⁵ the aforesaid Henry in his lifetime and the aforesaid Frances after the said Henry's death, paying scant regard to his aforesaid promises and undertakings made in the aforesaid way, but contriving and fraudulently intending craftily and subtly to deceive and defraud the said Mordant in that behalf, has not yet paid the aforesaid several sums of money or any penny thereof unto the said Mordant or contented him in any wise for the same, although the said Henry in his lifetime and the aforesaid Frances after the said Henry's death was requested so to do by the said Mordant (namely on 10 May 1698⁷⁶ and frequently thereafter in the aforesaid parish in the aforesaid county); but the aforesaid Henry in his lifetime and the aforesaid Frances after the said Henry's death have altogether refused to pay the said Mordant the aforesaid several sums of money or any penny thereof, or to

⁷⁵ The assignment of breach that follows the counts was normally preceded by 'nevertheless' or 'notwithstanding'.

⁷⁶ Easter term 1698 began on 11 May.

content the same Mordant in any wise for the same, and the aforesaid Frances still refuses to pay, to the damage of him the said Mordant £200. And thereof he produces suit, [and good proof].

And the aforesaid Frances by John Baptist Peters, her attorney, comes and defends the force and tort when etc. And as for the second promise and undertaking supposed to have been made above in the aforesaid declaration, the same Frances says that the aforesaid Henry did not take upon himself in the manner and form as the aforesaid Mordant complains against him above. And of this she puts herself on the country. And the aforesaid Mordant does likewise etc. And as for the first promise and undertaking supposed to have been made above in the aforesaid declaration, the same Frances says that the aforesaid Mordant ought not to have or maintain his aforesaid action against her therein because, as for ninety-nine pounds twelve shillings and six pence, part of the aforesaid one hundred pounds, the same Frances says that the aforesaid Henry did not take upon himself in manner and form as the aforesaid Mordant complains against him above. And of this she puts herself upon the country. And the aforesaid Mordant likewise etc. And as for the seven shillings and six pence of the aforesaid one hundred pounds remaining, the same Frances says that she the same Frances, after the making of that promise and undertaking and before the exhibiting of the aforesaid bill of Mordant aforesaid, namely on 30 April in the tenth year of our Lord now King [1698] in the parish aforesaid, was prepared and offered to pay to the same Mordant aforesaid seven shillings and six pence, which seven shillings and six pence the same Mordant then and there altogether refused to accept from the said Frances. And the same Frances further says that afterwards she the same Frances has always been and still is prepared to pay the said Mordant the same seven shillings and six pence and she brings them here into court ready to pay the said Mordant if the same Mordant is willing to accept the same seven shillings and six pence. And she is prepared to prove this, whereof she prays judgment whether the aforesaid Mordant

should have or maintain his aforesaid action against her therein etc. And the aforesaid Mordant asks for a day to imparl to the aforesaid plea of the said Frances, and it is granted to him etc. Whereupon a day thereof is given to the aforesaid parties before the Lord King at Westminster, namely till the Monday next before the Octaves of St Hilary⁷⁷ for the said Mordant to imparl to the plea of the aforesaid Frances and then to answer etc. At which day before the Lord King at Westminster come both the aforesaid Mordant and the aforesaid Frances by their attorneys. And as to the aforesaid plea of the aforesaid Frances regarding the aforesaid seven shillings and six pence pleaded above, the aforesaid Mordant says that he ought not to be barred from having his aforesaid action against the same Frances by anything alleged by the same plea, because he says that the aforesaid Frances did not offer to pay the same Mordant the same seven shillings and six pence as the same Frances alleged above in plea. And this he prays may be enquired into by the country, and the aforesaid Frances likewise etc. Therefore, as much to try this issue as the aforesaid other issue similarly joined above between the aforesaid parties, let a jury therein come before the Lord King at Westminster on [blank] next after [blank], and who neither [to the plaintiff nor defendant have any affinity], to make recognition [on their oath whether the defendant is guilty or not], because both [have put themselves upon that jury]. The same day is given to the aforesaid parties there etc.

⁷⁷ 23 January 1699, the first day of Hilary term.

- 2.7 Cheryll Duncan, 'New light on 'Father' Smith and the Organ of Christ Church, Dublin', *Journal of the Society for Musicology in Ireland*, 10 (2014–15), 23–45.

<http://www.music.ucc.ie/jsmi/index.php/jsmi/article/view/127>

3. CONTRIBUTION TO KNOWLEDGE AND SCHOLARSHIP

All seven publications are broadly concerned with professional music culture in late seventeenth- and eighteenth-century England, the starting point in each case being the author's discovery of one or more lawsuits or actions involving a protagonist who is associated with that culture in some way. Where previous researchers have adopted this approach, the focus has been almost entirely on eighteenth-century equity cases; the publications break new ground by extending into the later seventeenth century and, more significantly, by contributing the first detailed studies of common-law litigation undertaken by a musicologist. The seven discrete articles yield unique and often intricate details about a wide range of matters pertinent to commercial music making in England, including contract arrangements, working conditions, credit relations and so on. They make a cogent case for legal documents as an unrivalled source of information about music and musicians of the past, providing an insight into the experiences of such disparate groups as minor female singers, instrument makers, composers, aristocratic theatre managers and foreign musicians working in England. Some of these are major figures, but others are less well known, and there are a few individuals who have been all but excluded from previous historical accounts. The publications make a contribution to scholarship across several fields: musicology, theatre studies, social and cultural history, women's studies and legal history, and their significance is confirmed by the fact that they have been readily accepted for publication in a range of leading musicological journals and monographs.

As one of Handel's leading oratorio singers, Caterina Galli is of sufficient interest to have her own entry in a number of biographical dictionaries, including *Grove Music Online* and the *Oxford Dictionary of National Biography*. However, the richly detailed picture of the singer's

lifestyle that emerges in ‘An Innocent Abroad?’ (publication 2.1 of the submission) represents a substantial expansion and enrichment of her existing biography. Handel’s status in the history of eighteenth-century English music is such that the discovery of any new material that makes reference to him is significant; the composer’s name appears no fewer than fourteen times in the documentation associated with the Galli lawsuit.¹ Such was Handel’s ubiquity in English cultural life at the time, and so numerous were his associates, that it was perhaps inevitable that he would become involved, if only tangentially, in the legal disputes of at least one of them; indeed, it is surprising that no other example has come to light thus far. The extensive documentation generated by this case sheds light on various aspects of Galli’s professional and personal life, about which little was previously known.² The schedule to the bill lists her singing engagements for 1744–48 and the payments she received – a level of detail that is exceptionally rare for the 1740s, as Milhous and Hume acknowledge in their substantial survey of London opera salaries.³ This new data adds to our understanding of the realities faced by musicians seeking to earn a living in the capital at a time of unprecedented commercial expansion, thereby contributing to the growing literature on the economics of culture.⁴ Attention has hitherto focused on high-earners such as Farinelli, Cuzzoni and Monticelli, whose generous salaries were the subject of speculation and outrage in the press and private correspondence. Yet the reported affluence of a few stars tells us nothing about the experiences of the majority of working musicians who never achieved stellar status, but who are far more representative of the profession as a whole. The research demonstrates that, despite the extensive work on Exchequer equity records by Milhous and Hume, those archives are still far from exhausted.

¹ These references will be included in Donald Burrows, Helen Coffey and John Greenacombe (eds), *George Frideric Handel: Collected Documents*, vol. 4 (Cambridge University Press: forthcoming).

² The documentation comprises sixteen separate documents, totalling 33,686 words when transcribed.

³ Milhous and Hume, ‘Opera Salaries in Eighteenth-Century London’, 39.

⁴ A magisterial survey of the subject can be found in Robert D Hume, ‘The Economics of Culture in London, 1660–1740’, *Huntingdon Library Quarterly* 69/4 (2006), 487–533. Hume’s book *The Economics of Culture in London, 1660–1820* is in progress.

Extracts from the three anonymous readers who reviewed the article for the *Journal of the American Musicological Society* are given here as testimony to its contribution to knowledge and scholarship:

‘It is a beautiful piece, presenting new documentary material of enormous interest in a clear and comprehensive manner. Exchequer Equity Records are difficult, but here the case has been fully explicated, placed in context, and interpreted. The veracity of the statements presented to the court has been appropriately questioned and the documentary information to be gleaned from the case carefully sorted. I consider the article a model of good scholarship.’ (Reader 1).

‘This is an excellent article, in terms of the succinct display of cutting-edge research. The authors have found new information of a kind particularly difficult to come by from the 1740s, concerning payment to a singer who worked for Handel and did a lot of concertizing on her own. The source is a lawsuit in which the plaintiff’s claims require close scrutiny. The suit is inconclusive, in that it never came to judgment; but conclusive in that the fact that the singer was in danger of losing the case almost certainly drove her to leave England. The authors provide a careful and meticulous analysis of the particulars and place them in context with what little other financial information about salaries and gratuities survives from the period. Caterina Galli apparently deserved to figure in Dr Burney’s list of improvident visitors to the London opera stage.’ (Reader 2).

‘There is a great deal that is not known about Handel’s oratorio singers, and this paper contributes much new information about one of them, Caterina Galli. Although its methodology is decidedly traditional in nature, the article is “cutting edge” in that it throws new light on many issues. It provides the first substantial information we have on the salaries of singers of oratorio and Italian opera in England during this period, and it adds significantly and interestingly to the biography of Galli. The article will be of interest not only to Handel scholars, but those interested in the careers of female musicians in the eighteenth century and in vocal music in Britain.’ (Reader 3).⁵

If Galli cannot be counted amongst the top rank of vocalists in mid-eighteenth-century London, then one of her fellow singers - ‘Mrs Frederica’ - must be considered a very minor figure indeed. Her legal dispute with the celebrated violinist and composer Francesco Geminiani provides new information about their mutual involvement in the pasticcio *L'incostanza delusa*, an operatic venture about which very little was previously known, apart from Burney’s account of one of its rehearsals, the newspaper advertisements calendared in

⁵ Full readers’ reports are available for scrutiny if required.

The London Stage, and the brief reports of its cool reception in the Harris correspondence.⁶

‘Geminiani v. Mrs Frederica’ (publication 2.2) explores one of Geminiani’s rare forays into the world of opera management. Well known for his instrumental and theoretical works, Geminiani’s theatrical aspirations have been largely unacknowledged, but lawsuits in the courts of King’s Bench and Exchequer provide unique evidence of his attempts to enter that most challenging of environments. It was a brave endeavour to stage a new production like *L’incostanza delusa* at a time when Italian opera in England was struggling to survive, and the article is the first to explore the circumstances under which this work was performed. It also provides the only published biography of Elizabeth Frederica, drawing on a hitherto unnoticed newspaper advertisement in order conclusively to identify her as the mother of Cassandra Frederick, who became a notable singer in her own right and performed in oratorios for Handel towards the end of his life. The article contributes to an established body of knowledge regarding the benefit system, a crucial means of boosting the salaries of theatrical performers during the eighteenth century. Benefits were fundamental to a singer’s living, yet evidence of their administrative arrangements and the negotiations that went on in order to agree terms is extremely rare; existing studies, such as that by St Vincent Troubridge, focus on theatrical productions and actors but not on musicians.⁷ ‘Geminiani v. Mrs Frederica’ therefore fills a lacuna in this area by providing clear evidence of the inherent complexities and pitfalls of the benefit system in the specific context of opera. It charts the shifting demands and compromises that singer and manager were obliged to make in order to reach an agreement, and the consequences that could ensue if either party failed to honour it. The article also makes a contribution to the wider field of women’s studies, providing a fascinating and rare example of how, prior to the Married Women’s Property Act (1882), a woman could deliberately manipulate the law on coverture in order to plead immunity from

⁶ See Burrows and Dunhill, *Music and Theatre in Handel’s World*, 214.

⁷ St Vincent Troubridge, *The Benefit System in the British Theatre* (London: The Society for Theatre Research, 1967).

prosecution for debt. A true proto-feminist, Elizabeth Frederica was well aware of her rights, and in her dispute with Geminiani she proved to be both willing and able to use her sex as a means of exploiting the law to her own advantage.

Enrico Careri's important life-and-works study of Geminiani remains the standard text on the musician, although it is now more than twenty years old. The author touches on *L'incostanza delusa* only very briefly, drawing on newspaper references and Burney; Frederica's involvement is not mentioned at all.⁸ In the years following Careri's landmark publication the resurgence of interest in Geminiani's music by performers has resulted in recordings of almost all of his compositions, and the ongoing *Opera Omnia* project which will produce the first complete critical edition of his music and writings.⁹ However, this level of activity has not been matched in the field of musicological research, and many aspects of the composer's life have yet to be systematically investigated. The proposal of a new volume of essays to mark the 250th anniversary of his death provided an opportunity to bring together the most recent scholarly research and to reassess the state of Geminiani studies. 'Geminiani v. Mrs Frederica' is one of sixteen essays in this volume; it was accepted by the editor at a late stage in the book's preparation because it covered an aspect of the composer's activity that was totally absent from the volume as originally planned. The essay contributes new documentary evidence concerning a little-known aspect of Geminiani's multi-faceted career, thereby expanding his biography and illuminating a hitherto obscure corner of the history of Italian opera in London during the 1740s.

⁸ Enrico Careri, *Francesco Geminiani (1687-1762)* (Oxford: Clarendon Press, 1993): 35-6.

⁹ This project, founded by the late Christopher Hogwood and now under the general editorship of Rudolph Rasch, comprises critical editions of Geminiani's complete instrumental, vocal and didactic works, facsimiles and complete performance material for the orchestral and chamber music. It is supported by an online thematic catalogue and database calendar of references, mostly from newspapers. See <<http://www.francescogeminiani.com>>.

Some five years after Geminiani sued Mrs Frederica in King's Bench, he found himself in that court yet again, this time as the defendant in a case brought by the young castrato, Giuseppe Maria Manfredini. 'Castrati and impresarios in London' (publication 2.3) further adds to our understanding of Italian opera in the capital around the mid-century, demonstrating that Geminiani attempted to break into that highly volatile market for a second time; new information derived from *Manfredini v. Geminiani* (1751) provides the only known evidence for this venture and for his involvement with Manfredini. Geminiani's legal dispute with the young singer portrays the would-be opera impresario in a less than complimentary light, showing how he unscrupulously invoked the notorious 1737 Licensing Act in an attempt to shirk his contractual obligations. Much has been written about the impact of that legislation on the theatrical life of London,¹⁰ but Manfredini's lawsuit provides the only known example of its application to an operatic context. The case also illuminates the career of a singer/composer whose *Sei arie* (1752) were published and performed in London, yet whose presence in that city has hitherto gone virtually unnoticed; his name is not mentioned at all in *The London Stage*, for example, despite several announcements in the contemporary press. Manfredini's obscurity seems all the more surprising when one considers that he came from a famous family of musicians, whose lives and careers are explored in a substantial article by Jean Grundy Fanelli.¹¹ Mention of Giuseppe Manfredini in the modern literature has been subsumed within other biographical entries, particularly those for his younger brother, Vincenzo, but these focus on his later career in Russia and entirely exclude the four years that he spent in London.¹² 'Castrati and impresarios in London'

¹⁰ See, for instance, Hume (ed.), *The London Theatre World, 1660–1800*; Vincent J. Liesenfeld, *The Licensing Act of 1737* (Wisconsin: University of Wisconsin Press, 1984); and Catie Gill (ed.), *Theatre and Culture in Early Modern England, 1650–1737: From Leviathan to Licensing Act* (Farnham: Ashgate, 2010).

¹¹ Jean Grundy Fanelli, 'The Manfredini Family of Musicians of Pistoia, 1684–1803', *Studi Musicali* 26 (1997), 187–232. Only brief reference is made of Giuseppe Maria.

¹² See Dennis Libby and Rebecca Green. "Manfredini, Vincenzo." *Grove Music Online. Oxford Music Online*. Oxford University Press. Web. 19 Apr. 2015. <<http://www.oxfordmusiconline.com/subscriber/article/grove/music/17623>>. and *Dizionario biografico degli italiani*, 68: 754.

contextualizes the new information derived from the lawsuit by drawing on primary sources, including contemporary newspapers and the Bedford Estate Archives, in order to provide the first published biography of Giuseppe Manfredini. As a consequence of this, the author was commissioned to write a new entry on the singer/composer for *Grove Music Online*.¹³

Also included in the *Cambridge Opera Journal* article is new information concerning the high-profile castrato Angelo Maria Monticelli, who fell victim to the financial problems experienced by Charles Sackville (Lord Middlesex) in his attempt to promote Italian opera in London at a time when public enthusiasm for the genre was waning. Middlesex's engagement of Monticelli came at a high price, and the lawsuit provides the only known verification of anecdotal accounts of the sum promised to the singer.¹⁴ At the same time, it demonstrates the fragility of contractual arrangements at the King's Theatre in the uncertain fiscal climate of the 1740s, providing evidence that even such prestigious operatic stars as Monticelli had to fight hard for their money. Both litigants are of sufficient importance to have their own biographical entries in *Grove Music Online* and the *Oxford Dictionary of National Biography*, and Carole Taylor has examined records - which include a case filed in the Court of Chancery - relating to the patronage and finance of Middlesex's company between 1739 and 1745.¹⁵ My article contextualizes the new information from the King's Bench lawsuit to extend what is known of Sackville's monetary difficulties to 1748, when he was obliged to withdraw from opera management once and for all. 'Castrati and impresarios in London' opens up and explicates some of the processes of working with common-law records, an area of primary source material that has previously been neglected. In yielding

¹³ Cheryll Duncan. "Manfredini, Giuseppe." *Grove Music Online*. *Oxford Music Online*. Oxford University Press. Web. 19 Apr. 2015. <<http://www.oxfordmusiconline.com/subscriber/article/grove/music/2261004>>.

¹⁴ Horace Walpole claimed that Middlesex engaged Monticelli for the exorbitant sum of one thousand guineas; see his letter to Horace Mann, Thursday 5 November 1741, in William Sheldon Lewis *et al.* (eds), *Yale Edition of Horace Walpole's Correspondence*, 48 vols (Oxford, 1937-83), 17:190.

¹⁵ Taylor, 'From Losses to Lawsuit'.

unique information concerning the legal and financial bases on which Italian opera functioned in mid-eighteenth-century London, my article provides compelling evidence of the value of such documents for the study of music history.

Continuing the theme of castrati and their experiences in London, ‘A Debt contracted in Italy’ (publication 2.4) illuminates Ferdinando Tenducci’s early years in the capital and the contractual arrangements that pertained during the period immediately prior to his arrival in England. A recent book by the historian Helen Berry provides the most comprehensive account of the singer’s life story to date, although her approach is not that of a standard biography.¹⁶ Rather, Berry examines discrete episodes from her protagonist’s extraordinary narrative, taking as a starting point new documentary evidence concerning his marriage and its subsequent annulment, and using this to explore the wider context of social and religious difference in eighteenth-century Britain. My article adopts a similar approach: the discovery of legal records provides a springboard for discussing the circumstances surrounding Tenducci’s imprisonment for debt in 1760–61, which is then considered in the broader context of credit relations. The new evidence is used to correct and expand information in the public domain, demonstrating conclusively that the ‘Debt contracted in Italy’ was not incurred in 1759 as had been assumed, nor was it the result of the singer’s profligate lifestyle at that time. Rather, it related to a much earlier arrangement between the young castrato and Francesco Giuliani, a personage who appears to have undertaken the kind of quasi-parental, supervisory role discussed in chapter five of John Rosselli’s important book on Italian singers.¹⁷ More recently, Martha Feldman has proposed that young castrati had recourse to

¹⁶ Helen Berry, *The Castrato and his Wife* (Oxford: Oxford University Press, 2011).

¹⁷ Rosselli, *Singers of Italian opera*, chapter 5: ‘Training’.

‘hybridized family structures’ when embarking on their careers, and ‘A Debt contracted in Italy’ contributes new evidence in support of that thesis.¹⁸

Debt was so endemic in eighteenth-century England that it affected men and women from all classes of society, and the subject has generated considerable interest in recent years, particularly among social historians.¹⁹ However, virtually nothing has been written about the experiences of those musicians whose indebtedness resulted in imprisonment, with the exception of the colourful account of John Grano (‘Handel’s Trumpeter’), whose diary documents his period of incarceration in the infamous Marshalsea Gaol during the 1730s.²⁰ My article complements Grano’s testimony by drawing on primary and secondary source material to construct a unique narrative of Tenducci’s likely experiences during his eight months as a prisoner in the King’s Bench. In addition, documentary evidence confirming the precise dates of his committal and discharge from custody are presented for the first time, as is a detailed physical description of Tenducci by the King’s Bench marshal, issued in the press immediately after the singer escaped from prison. Satirical depictions of castrati abound in eighteenth-century writings and iconography, but objective accounts are extremely rare; in particular, the marshal’s factual statement about Tenducci being ‘about six Feet high or upwards, very thin, and ill made’ gives credence to anecdotal accounts of castrati being unnaturally tall and ungainly.²¹

¹⁸ Martha Feldman, ‘Strange Births and Surprising Kin: the Castrato’s Tale’, in Paula Findlen, Wendy Wassyng Rowarth and Catherine M. Sama (eds), *Italy’s Eighteenth Century: Gender and Culture in the Age of the Grand Tour* (Stanford, 2009), 175–202.

¹⁹ See Finn, *The Character of Credit*; Nigel Stirk, ‘Arresting ambiguity: the shifting geographies of a London debtors’ sanctuary in the eighteenth century’, *Social History* 25 (2000), 316–29; and Jerry White, ‘Pain and degradation in Georgian London: life in the Marshalsea Prison’, *History Workshop Journal* 68 (2009), 69–98.

²⁰ John Ginger (ed.), *Handel’s Trumpeter: the Diary of John Grano* (New York: Pendragon Press, 1998).

²¹ See, for example, Dorothy Boyle, Countess of Burlington and Joseph Goupy’s etching of Cuzzoni, Farinelli and Heidegger after drawings (c1730) by Marco Ricci and Goupy: http://www.britishmuseum.org/collectionimages/AN00336/AN00336172_001_1.jpg.

‘Young, Wild, and Idle’ (publication 2.5) investigates another major Italian singer active on the London stage during the mid-eighteenth century. Taking as its starting point Richard King and Saskia Willaert’s study of the rise of comic opera in London,²² the first part of the article draws together disparate threads of Gaetano Guadagni’s biography already in the public domain and supplements these with new evidence derived chiefly from contemporary newspapers to produce the most comprehensive account to date of his first period of residence in England (1748–1755), including his visits to the west country. Previous research on Guadagni, notably by Patricia Howard, has concentrated almost exclusively on his later career.²³ Howard’s study of the singer’s court case of 1771, which was widely reported in the press and generated enormous public interest at the time, has a particular resonance with my own article in that it draws attention to a contemporary caricature in which Guadagni is depicted as a handsome man of fashion.²⁴ ‘Young, Wild, and Idle’ explores an earlier, hitherto unknown legal case that reveals much about the young singer’s character, particularly his sartorial extravagance, thereby forming a kind of prequel to ‘Guadagni in the dock’. My article contributes biographical material that exists nowhere else, including Howard’s subsequent major monograph on the singer.²⁵

An examination of the litigation in part two of the article enables conclusions to be drawn regarding Guadagni’s character, as well as affording an insight into his social milieu. His legal opponent was Simon Totterdell, a tailor who claimed that the young singer owed him a total of £53 for clothing ordered and supplied in November 1751, when he was in Bath. This

²² King and Willaert, ‘Giovanni Francesco Crosa and the First Italian Comic Operas’.

²³ Examples include “‘No equal on any stage in Europe’: Guadagni as actor’, *Musical Times*, 151 (Spring 2010), 9–23 and ‘The castrato composes: Guadagni’s setting of “Pensa a serbarmi, o cara”’, *Musical Times*, 153 (Summer 2012), 3–30.

²⁴ Patricia Howard, ‘Guadagni in the dock: a crisis in the career of a castrato’, *Early Music*, 27/1 (1999), 87–95. The singer was charged with performing in an opera at Carlisle House, Soho, an unlicensed venue that was operating in competition with the King’s Theatre.

²⁵ Patricia Howard, *The Modern Castrato: Gaetano Guadagni and the Coming of a New Operatic Age* (Oxford: Oxford University Press, 2014).

new information provides incontrovertible evidence that Guadagni was spending lavishly at that time, and almost certainly beyond his means, thereby substantiating the contemporary perception of castrati as extravagant and vain.²⁶ At the same time, by situating his financial difficulties within the broader context of eighteenth-century social culture my research feeds into the wider debate around conspicuous consumption as a means of identity formation. Singers lavished money on their appearance because luxury clothing was a channel of symbolic communication between them and the aristocratic circles they sought to cultivate.²⁷ While this analysis may encourage us to take a more sympathetic view of Guadagni's state of indebtedness, his subsequent behaviour as described in the lawsuit cannot so easily be explained or defended. Having avoided imprisonment by persuading two acquaintances to stand surety for him, the singer jumped bail and fled the country, leaving them responsible for all his liabilities. In addition to providing an explanation for the singer's sudden departure from England after the 1752–53 season, the reason for which was not previously known, this new information sheds light on his character at an early stage in his career, and goes some way towards explaining the low esteem in which Guadagni the man was held by a number of his contemporaries.

'New Purcell documents from the Court of King's Bench' (publication 2.6) expands on some of the issues raised in the Guadagni lawsuit by extending the debate around the culture of credit and conspicuous consumption into the late seventeenth century. It celebrates the rare discovery of new material pertaining to Henry Purcell's last years; very few primary sources concerning his personal - as opposed to his professional - life survive, and these are the only ones to have come to light since the tercentenary of the composer's death in 1995.

²⁶ This view, and the complex cultural determinants that gave rise to it, has been the subject of numerous scholarly articles, including: Cervantes, 'Tuneful Monsters'; Todd S. Gilman, 'The Italian (Castrato) in London', in Richard Dellamora and Daniel Fischlin (eds), *Genre, Nationhood and Sexual Difference* (New York: Columbia University Press, 1997), 49–70, and McGeary, 'Warbling Eunuchs'.

²⁷ Frank Trentmann, 'Introduction' in Trentmann (ed.), *The History of Consumption*, 1–19.

Furthermore, the King's Bench documents provide the only known evidence of Purcell's involvement with the law, thereby adding an original dimension to his existing biography. A contextualized interpretation of the archival material is developed in order to investigate such issues as the composer's familial relationships, his financial circumstances and the elite social circles in which he moved. This approach is in line with the various new directions that have characterized Purcell research over the last twenty years; a comprehensive survey in *The Ashgate Research Companion to Henry Purcell* demonstrates how recent scholarship has embraced aspects of the composer's wider environment to enrich our understanding of late seventeenth-century English musical culture.²⁸ 'New Purcell documents' supplements the methodological approaches that are expounded in that volume, and contributes new contextual material to enhance our understanding of Purcell at a time when he was re-inventing himself as a composer for the London stage.

Maureen Duffy carried out a thorough investigation of Purcell's extended family as part of the plethora of new research generated by the 1995 tercentenary, although she displays the novelist's cavalier attitude to referencing her sources.²⁹ Duffy unequivocally identifies Henry's wife as Frances Peters; the absence of any definitive documentation, however, has led even such a recent biographer as Bruce Wood to express reservation.³⁰ 'New Purcell documents' adduces new evidence that confirms her identity beyond all reasonable doubt and further develops Duffy's findings, particularly those concerning Frances's widowed sister Amy Howlett and their brother, the lawyer John-Baptist Peters. In order to contextualize the two lawsuits, the article considers Purcell's financial circumstances during the 1690s; this is a

²⁸ Rebecca Herissone (ed.), *The Ashgate Research Companion to Henry Purcell* (Farnham: Ashgate, 2012).

²⁹ Maureen Duffy, *Purcell* (London: Fourth Estate, 1994). Other studies that appeared at the time include Michael Burden, *Purcell Remembered* (London: Faber and Faber, 1995); Michael Burden (ed.), *The Purcell Companion* (London: Faber and Faber, 1995); Peter Holman, *Henry Purcell* (Oxford: Oxford University Press, 1994); Curtis Price (ed.), *Purcell Studies* (Cambridge: Cambridge University Press, 1995) and Jonathan Keates, *Purcell: A Biography* (London: Pimlico, 1995).

³⁰ Bruce Wood, *Purcell: an Extraordinary Life* (London: ABRSM, 2009), 55.

point of some dispute in the existing literature, with Zimmerman asserting that ‘Straitened financial circumstances ... were to be his lot during his last five years’,³¹ while according to Wood, ‘money is unlikely to have been his reason’ for taking on the extra pupils that he did at that time.³² My research suggests that a shortage of money explains why the loan he made to his sister-in-law in 1691 was secured with a *cognovit actionem*, and why he failed to pay off the substantial debt he incurred in the following year. The latter is particularly intriguing, as this money was in fact owed to one of London’s most exclusive linen drapers, patronized by royalty and members of the aristocracy; the new findings open up fresh avenues of enquiry regarding the Purcells and their lifestyle, and afford a window onto the wider cultural environment of late Stuart London.

In May 1694 Purcell was one of a small but distinguished group who gathered to witness the signing of a contract to build a new organ for Christ Church Cathedral in Dublin. Had he not died the following year, the composer would almost certainly have been summoned to testify in the ensuing lawsuit that William Moreton, Bishop of Kildare, instigated against the organ builder Bernard Smith in July 1697. In the event, depositions by such significant figures as John Blow, Renatus Harris and Henry Aldrich, dean of Christ Church, Oxford, provide a wealth of new information that puts an entirely different perspective on the accepted narrative of Smith’s involvement with the Dublin organ. It was already known - from the cathedral archives, which are fully documented in recent publications by Barra Boydell - that although Smith was commissioned in 1694 to build the new organ, it was in fact Renatus Harris who eventually supplied the instrument.³³ In the absence of any other evidence, it has been widely

³¹ Franklin B. Zimmerman, *Henry Purcell, 1659–1695: his life and times* (Philadelphia: University of Pennsylvania Press, 2/1983), 191. His evidence for this assertion is not made clear.

³² Wood, *Purcell*, 158.

³³ See Barra Boydell, *Music at Christ Church before 1800: Documents and selected anthems* (Dublin: Four Courts Press, 1999); ‘The flourishing of music, 1660–1800’ in Kenneth Milne (ed.), *Christ Church Cathedral*,

assumed that Smith reneged on the agreement because ‘pressure of other work prevented him from fulfilling his engagement’.³⁴ ‘New Light on ‘Father’ Smith’ (publication 2.7) presents new evidence from the courts of Chancery and King’s Bench to demonstrate that this was certainly not the case, and rewrites a hitherto shadowy and misunderstood episode in the musical history of Christ Church, Dublin.

Smith most certainly did meet his contractual obligations; in fact, the litigation makes it clear that he built not just one but two instruments for Christ Church, although neither ended up there. The King’s Bench plea roll provides full details of the agreement, including the cost of construction, exactly how and when Smith was to receive payment, the projected timescale for the entire operation, and the party identified as responsible for bearing the loss in the event of the organ being damaged *en route* to Ireland. Most importantly, the contract lists the original specification of the first organ; such information is, according to Stephen Bicknell, particularly rare for Smith’s instruments.³⁵ What is not evident from the common-law records, however, is the extent of Henry Aldrich’s involvement with the commission, which is apparent only from the Chancery documentation; in his capacity as consultant for the project, he demonstrated both the breadth of his musical knowledge and the extent of his sphere of influence, which reached well beyond Oxford. Other precious nuggets of information gleaned from the depositions - including those from John Blow and some of Smith’s own workmen - concern the estimated cost of producing the various stops requested by Moreton. Finally, the documents shed light on the characters of both Smith and Harris, whose now legendary rivalry over the ‘battle of the organs’ resurfaces in the current context. The evidence of deponents suggests that their animosity was ongoing, at least on the part of

Dublin: A History (Dublin: Four Courts Press, 2000); and *A History of Music at Christ Church Cathedral, Dublin* (Woodbridge: Boydell Press, 2004).

³⁴ Freeman, *Father Smith*, 7.

³⁵ Stephen Bicknell, *The History of the English Organ* (Cambridge: Cambridge University Press, 1996), 128.

Harris, and that his machinations added fuel to the dispute that was already smouldering between Smith and the bishop.

4. METHODOLOGICAL ISSUES AND FUTURE DIRECTIONS

‘Study of primary sources alone does not make history; but without the study of primary sources there is no history.’¹

My publications form a coherent body of research in so far as they all adopt a similar approach, namely the deployment of a lawsuit or -suits as the starting point for writing or rewriting a particular episode in the history of professional music in England between 1690 and 1760. This paradigm of archive-based study is not new, of course, but its exclusive focus on legal records is almost entirely so. Despite the riches uncovered by pioneers in this vast field, and the potential it offers for further discoveries, legal documents are regarded as virtually a ‘no-go’ area for musicologists and historians alike because of the hurdles that must be overcome just to find - let alone read and understand - the relevant material. The documents come in a bewildering variety of shapes and sizes according to the different courts that created them, the various types of actions that were brought, and the disparate kinds of records generated by those actions. It is necessary to bring to each new research project a different set of skills and techniques, including knowledge of the complex finding-aids for the various classes of record, most of which are not yet digitalized; advanced paleographical skills; and the ability to make sense of highly formal, formulaic and often abstruse legalese. Yet getting to grips with a source is only one stage of the journey towards a fully written-up piece of work. The potential usefulness of a document needs to be carefully evaluated in light of the research problem in question, which involves constantly checking the source, comparing it with others, and discovering as much as possible about the specific historical circumstances that gave rise to it. Just as with any other type of material, legal documents are not transparent records of past situations, but rather should be regarded as ‘mediations, the

¹ Arthur Marwick, *The Nature of History* (Basingstoke and London: Macmillan, 3/1989), 199.

products of complex minds, composed of conscious and unconscious dimensions.’² Thus the skills required to construct a cogent historical account are both varied and subtle; they include assimilating the source into a coherent argument, demonstrating its significance, integrating different kinds of materials, critical reading, the ability to make connections, constructing plausible claims based on wider research findings and choosing appropriate theoretical frameworks. Such is the diversity of the sources on which my publications are based that no single unifying approach can be applied; each piece provides a unique snapshot of a particular historical moment. There are, however, certain common methodological issues that arise when working with legal sources, and some of these are detailed below. In the interests of clarity the different tasks and skills are here separated out, but in reality there is no facile sequence of activities that should be performed in a prescribed order.

Working with legal documents

i) Finding the material

The starting point for my work is the systematic search of docket rolls and bill books (the so-called ‘indexes’) in order to identify lawsuits involving musicians. Searching for potential cases of interest amongst the literally millions of legal records in The National Archives is hampered by the lack of subject indexes, which means that the only realistic way of accessing the material is via the names of litigants. This method has a number of drawbacks, not least its reliance on the researcher knowing the names of the many performers, composers, impresarios, publishers and so on who were associated with the music business at any given time. This inevitably means that cases involving individuals whose names are not known - either because the researcher has failed to recognise them, or because they are omitted from historical accounts - will be missed. For example, previous searches of Exchequer records by

² Ludmilla Jordanova, *History in Practice* (London and New York: Bloomsbury, 2/2006), 160.

theatre historians overlooked Caterina Galli (publication 2.1), whose name would be familiar only to scholars with specialist knowledge of opera and oratorio in London during the 1740s and 50s. Furthermore, a significant name might occur amongst, for instance, the depositions to an equity suit, but there is no way of knowing this from the indexes, which list only plaintiff and defendant. Thus depositions by John Christopher Smith, containing rare information about Handel's payments to his oratorio singers (publication 2.1), and John Blow, who appraises 'Father' Smith's first organ for Christ Church, Dublin (publication 2.7), are traceable only through documentation indexed under Galli and Bernard Smith respectively.

All that one can reasonably expect to ascertain from the indexes is the county where the action lay (Norfolk, Middlesex, London, etc.), the names of the parties (given names and surnames for King's Bench and Exchequer indices; surnames only for Chancery and Common Pleas indices), perhaps the nature of the case (e.g. debt, trespass) and the rotulus number of the case on the plea roll (for common-law actions) or the number of the bill in a particular bundle (for equity lawsuits). Having discovered an interesting name in one of the indexes, researchers will occasionally find, to their frustration, that no rotulus or bill number has been given. Usually this means that the relevant piece of parchment is missing, leaving one with only the bare fact that A took B to court at a certain time; however, there are some rare exceptions to this rule. For example, the entry in the King's Bench index for *Giuseppe Manfredini v. Francesco Geminiani* (publication 2.3) lacks a rotulus number, yet the document is actually filed at the back of the plea roll for the relevant term.

One of the most time-consuming aspects of searching this material is that the records of any given case are not kept together, but filed separately according to the type or class of

document. This is particularly problematic when working with equity suits, which can give rise to huge amounts of supporting documentation. There are no fewer than sixty-three separate document classes containing material relating to Chancery equity proceedings of the seventeenth and eighteenth centuries, and thirty-five for the equity side of Exchequer, each needing to be searched using finding aids specific to that class. Fortunately, most of the substantive documents fall into only about half a dozen individual classes, but even so, much time and effort has to be invested before one can be satisfied that all the documents in a case have been traced. For example, the dispute between Bernard Smith and the Bishop of Kildare (publication 2.7) generated records from two different courts and five separate document classes: the Chancery bill of complaint (C8), the court's rules and orders (C33), depositions taken in the country (C22) and in town (C24), and the King's Bench plea roll (KB 27).

ii) Reading the material

The volume of legal records held by The National Archives is so vast that it will be many years before all the material is available in digital format, and so researchers need to have access to the original documents.³ These tend to be very large, heavy and awkward to handle; common-law plea rolls, for example, comprise oblong strips of parchment called rotuli (usually between one and three per case), secured at one end by thick cord. A busy legal term for just one court might produce as many as 2500 rotuli, so the plea rolls can become absolutely enormous and sometimes have to be split into two or more manageable parts, but even then, they remain very unwieldy. Until 1733, with the exception of the Commonwealth period (1653–1660), Latin was the official language of all common-law documents.⁴ Two related skills are required for utilizing such material: the ability to translate Latin, and facility

³ *The Anglo-American Legal Tradition* is a digital project managed by the University of Houston under license from The National Archives which will eventually increase access to legal documents: see aalt.oaw.uh.edu.

⁴ Latin is also occasionally found in other formal sources such as early parish registers, government and manorial court records.

in reading the older forms of handwriting, particularly court hand which relies on heavily contracted and abbreviated forms. Fortunately, the highly formulaic nature of common-law documents means that, with practice, one soon learns where in a document to scan for key information such as names of parties and type of case, thus speeding up the process of determining whether it is worthy of further investigation. It is, however, crucial that documents are translated accurately, and this is inevitably a time-consuming process. Where Latin documents are used (publications 2.6 and 2.7), Latin transcriptions as well as English translations are given, to allow readers the opportunity to check my work for themselves and to assist in developing familiarity with some of the more standard phraseology.

Equity bills look entirely different from common-law plea rolls, and typically comprise a large piece of parchment measuring roughly three feet by two and a half feet (some documents are considerably larger than this). The handwriting is usually small, resulting in the reader having to negotiate extremely long lines of text and making the task something of a back-breaking exercise. Even though written in English, the script of these documents is not necessarily straightforward to read; obstacles include faded ink, text obscured by grime, confusing interlineations, abbreviations, variant forms of the same word and unexpected elisions. Depositions, which were copied at speed from dictation, can be particularly challenging to read, as is evident in the following example (publication 2.7):

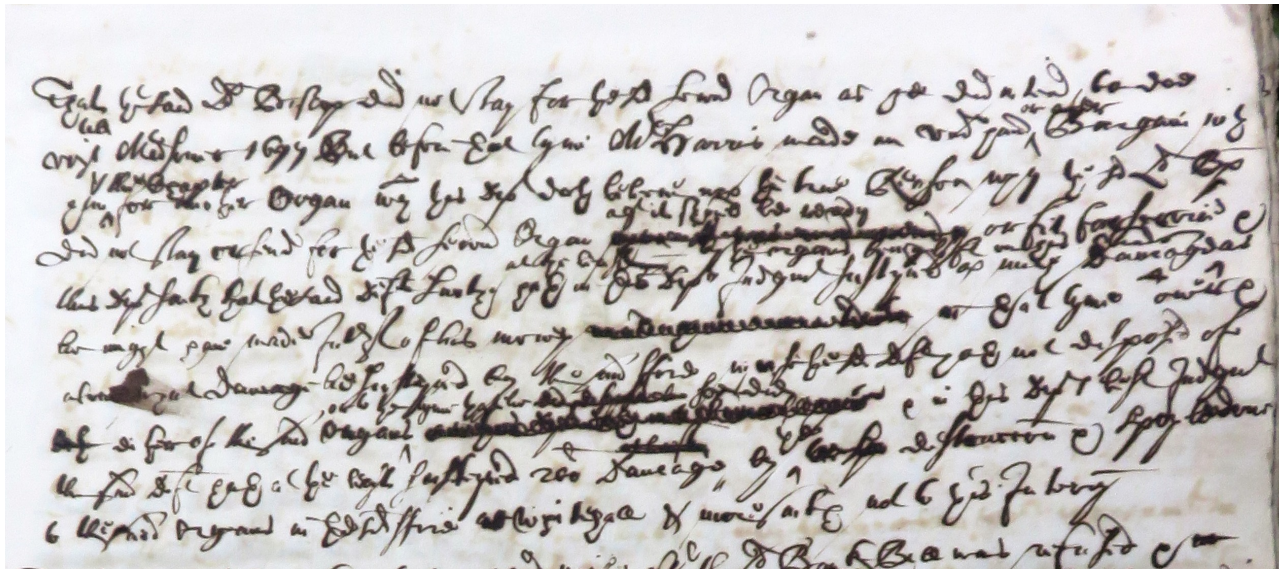


Figure 1: C24/1207/101, 8.

Before even arriving at a transcription with which one can work, then, a number of preliminary hurdles must be overcome. Fortunately, The National Archives permits users to photograph documents at no charge; once downloaded to computer, the material can be accessed at leisure and images enlarged or otherwise manipulated to assist in the deciphering process.

iii) Understanding the material

Having transcribed and, if necessary, translated the sources, the researcher then has to make sense of the legal content and its implications. Given the dearth of secondary literature on the common law of this period, one must resort to the contemporary practice manuals that were published in increasing numbers from the late sixteenth century onwards. This aspect of the work can be daunting to anyone lacking a legal background, but the availability of much relevant and readily searchable material on ProQuest's *Early English Books Online* (EEBO) and Gale's *Eighteenth-Century Collections Online* (ECCO) makes the task a somewhat less onerous one. It is also essential to build a body of evidence accumulated from other examples

of the same action which indicate how parties actually proceeded; for example, the *cognovit actionem* that Purcell took out against his sister-in-law (publication 2.6) is best understood if compared with other such actions recorded at that time, otherwise the composer's intentions could easily be misconstrued. The ability to recognize legal fictions is also important, as failure to do so can result in serious misinterpretation. The *locus classicus* of a scholar misreading such fictions is William C. Smith's article on John Walsh senior in *Harvard Library Bulletin*, where he states that the publisher was incarcerated in the Marshalsea for refusing to pay the duty on paper.⁵ Once the plaintiff had instigated proceedings against him in King's Bench, Walsh would certainly have been arrested and required to remain in prison if he could not find sureties. We cannot know for certain if he was bailed or locked up while awaiting trial, though the latter would have been an unlikely consequence for a man of his standing. The plea roll's seemingly unequivocal statement that he was 'in the custody of the marshal of the Marshalsea' should not be taken at face value, for that common verbal formula was applied indiscriminately to all defendants - whether they found bail or not - and meant simply 'under the privilege of the court'. Nevertheless, Smith's assertion has subsequently been accepted as fact by the authors of the entries on Walsh in *Grove Music Online*, the *Oxford Dictionary of National Biography*, and *A Biographical Dictionary of English Court Musicians 1485–1714*.⁶ The egregious nature of that error was revealed only in 2008 when Olive Baldwin and Thelma Wilson pointed out that Walsh was attending his parish's vestry meetings at the time he was supposedly in jail.⁷ The case brought against Ferdinando Tenducci (publication 2.4) presents a different type of legal snare for the unsuspecting when

⁵ William C. Smith, 'New evidence concerning John Walsh and the duties on paper, 1726', *Harvard Library Bulletin* 6 (1952), 252–55.

⁶ Andrew Ashbee and David Lasocki (eds), *A Biographical Dictionary of English Court Musicians 1485–1714* (Aldershot: Ashgate, 1998), 2: 1124–25.

⁷ Olive Baldwin and Thelma Wilson, 'New light on John Walsh', *Early Music*, 36/4 (2008), 677–78; see also Myers, Harris and Mandelbrote (eds), *Music and the Book Trade*, 93, endnote 18. However, despite clarifying this matter, Baldwin and Wilson perpetuate a number of Smith's misunderstandings: they repeat his misreading of 'imparlance' (the period of time given to the defendant to consider what answer should be made to the plaintiff's bill) as 'unparlance'; and had Walsh gone to prison he would have stayed not in the 'Marshalsea', but in the 'Marshalsea of the King's Bench', which was a separate institution in the same neighbourhood.

it states that the litigants accounted together in 1756 ‘at Westminster’. If unaware that the location is fictitious - a product of the court’s need to establish jurisdiction before proceeding - one could easily be misled into taking this as evidence that Tenducci was in England two years earlier than was actually the case.

Social and economic historians have long exploited equity records for the wealth of information they contain on a range of subjects. Indeed, these sources are acknowledged to be so rich in narrative detail that contemporary historians have warned of their seductive powers; the researcher may be lulled, both by the intricacy of the story and the highly formal language in which it is recorded, into an uncritical acceptance of their ‘truth’.⁸ The manifest content, then - even when apparently unequivocal - has to be carefully scrutinized for any possible errors or hidden agendas. Even ‘schedules’ - accounts and lists attached to the pleadings, which may appear initially to be irrefutable treasure troves of information - need to be closely interrogated. Hence when Galli provided a list of singing engagements for the period 1744–48 as proof of her income for those years (publication 2.1), careful examination of other evidence suggests that, at the very least, her memory was fallible. Common-law documents present a very different set of problems from those of equity, as they tend to be both briefer and more formulaic: ‘It requires considerable expertise to understand the meaning that lies behind the formulae and the records rarely contain useful detail’.⁹ The two Purcell sources (publication 2.6) are good examples of just how intractable some of this material can be.

It is important not to assume that the whole history of a case is contained within any single lawsuit; the publications underline the importance of understanding the legal processes that

⁸ Jordanova, *History in practice*, 162.

⁹ Bevan, *Tracing your Ancestors in the National Archives*, 496.

might encourage a litigant to seek justice in more than one court. Geminiani first took Frederica to the Court of King's Bench; when the case was dismissed on a technicality, he then sought redress on the equity side of Exchequer (publication 2.2). Conversely, proceedings against Bernard Smith were initiated by the Bishop of Kildare first in the Court of Chancery, where he was able to secure copious amounts of evidence to support his later case in King's Bench (publication 2.7); had I constructed my account only around the common-law bill, which was the first to be discovered, the resulting narrative would have been incomplete and much less interesting. Piecing together all the surviving documentation and establishing a chronology of events is crucial not only to understanding the material, but also to its contextualization.

iv) Integrating the material into a historical account

Having understood the content of a document, the central task is then to examine its particularities in order to reveal both the context of its production and its historical significance. Since each of the publications takes as its focus a discrete area of investigation, this process of foundation-building has had to be undertaken *de novo* each time. First, it is necessary to learn as much as possible about the litigants themselves, who may be musicians or from other walks of life; this requires an in-depth knowledge of genealogical sources. Primary sources on which the publications draw include wills, parish registers, local taxation records, prison documents and records of the City of London livery companies; one needs to develop a sound understanding of the mechanisms of these various classes of archive in order to harness the information effectively. In time, digitalization will make it much easier to find the material, but for now the researcher has little alternative but to visit the record repository and conduct a manual search. Of course, the more high-profile the individual concerned the greater one's chances of discovering relevant information, but for less auspicious types of

litigant the legal documents themselves may provide the only known source of biographical material. For instance, Caterina Galli's servants James and Mary de la Couronne (publication 2.1) were almost certainly French Catholics, so it is highly unlikely that their names would appear in parish records. Even more impenetrable are those parties who filed their suits from abroad; the lack of information about Francesco Giuliani (publication 2.4), who as far as we know never set foot in England, is a major impediment to contextualizing his litigation with Tenducci.

Having garnered as much information as possible about the litigants, one must examine the particular circumstances relating to individual cases. These might involve, for example, a specific operatic production or season (as is the case for all the publications except 2.7), so sound knowledge of the structures of professional music practice and the wider musical context are pre-requisites. *The London Stage* is an indispensable starting point for such information, but its coverage is not entirely comprehensive and a careful process of cross-checking with other sources, particularly contemporary newspapers, is necessary. As cultural vehicles that promote and reflect the musical tastes of society, particularly urban ones such as London, newspapers are a valuable source of information about the bourgeois audience to whom they appealed.¹⁰ They can provide unique details on many aspects of musical life, to the extent that 'public concerts can virtually be defined as those advertised in the daily press, since hardly any others have come to light from other sources'.¹¹ For details about venues, repertoires, ticket prices, performers and even the private addresses of individuals, newspapers are an essential point of reference.

¹⁰ For a useful guide on eighteenth-century newspapers and their use, see Simon McVeigh, 'London Newspapers 1750–1800: A Checklist and Guide for Musicologists' in Michael Burden and Irena Cholić (eds), *A Handbook for Studies in 18th-Century English Music*, vi (1996), (whole issue). See also Rosamond McGuinness, 'How to read a newspaper', *Revue de Musicologie*, 84/2 (1998), 290–93.

¹¹ McVeigh, *Concert life in London*, 75.

Today's researchers enjoy unprecedented access to this important archive through Gale's *British Newspapers 1600–1900* and its *Burney 17th and 18th Century Newspaper Collection*. These commercial databases are not entirely straightforward to use, however, and considerable practice is needed in order to utilize them effectively.¹² For example, the optical character recognition (OCR) software is unable to cope with the 'long S' common in eighteenth-century fonts, so for instance a search for the name 'Ashton' between 1 January 1760 and December 31 1760 produces no hits, whereas 'Afhton' for the same period produces twenty. There are, however, a number of worrying pitfalls that make using these newspaper databases a far more hit-and-miss process than might be assumed. Even where the quality of the original is unequivocal, OCR often fails to pick up a name, and so one can never be confident that the results of a search are exhaustive. For this reason, it is advisable to conduct the same search several times: an initial search for 'Manfredini' did not produce the advertisement for his first known performance in London, but an identical search some time later did so. Furthermore, although the search term is normally highlighted in the text, this does not happen consistently and it is advisable to look through the whole page in case there are further occurrences. The detailed physical description of Tenducci issued after the singer's escape from prison (publication 2.4, 225–6) did not appear when looking for his name, but came to light only as part of a search for 'Afhton'; this probably explains why other writers on Tenducci failed to find it, and one can only wonder what other precious nuggets of information have been overlooked.

Another problem lies with Gale's occasionally inaccurate dating of newspaper issues. For example, the advertisement in *The General Advertiser* for 'Sig. MANFREDINI'S Musical Entertainment' is captioned by Gale as Sunday, February 26, 1749. As newspapers were not

¹² See Robert D. Hume and Ashley Marshall, 'The Joys, Possibilities, and Perils of the British Library's Digital Burney Newspaper Collection', *Papers of the Bibliographical Society of America*, 104 (2010), 5–52.

issued on Sundays, and in any case Manfredini had not yet arrived in England at that time, this date is highly misleading. Browsing the front page of the issue verifies that the date is, in fact, ‘Monday 26 February 1749–50’; this raises the common confusion caused by old-style dating, as of course the caption should read Monday 26 February 1750.¹³ This error is not made consistently, however, and it is important always to consult the front page of an issue, if necessary referring to *A Handbook of Dates* to cross-check that the given date is correct for a particular year.¹⁴ A further source of confusion occurs when two issues are accidentally scanned together and listed under a single date; as this happens quite frequently, it is always worth browsing the document to check that it contains the usual four, rather than eight, pages.

One of the most difficult aspects of presenting the fruits of one’s research into legal documents is to determine an appropriate level of debate. While understanding how legal processes relate to a particular case is absolutely crucial to its interpretation, there is a real risk that detailing such information could alienate the reader of a musicological journal. Writing about complex procedural matters, which have mostly become obsolete and irrelevant to our everyday experience of the law, has been a challenging undertaking. The submitted publications attempt to accomplish that task in a transparent, jargon-free and engaging way particularly in relation to the unfamiliar area of the common law, which is essentially virgin territory. It is hoped that in elucidating some of this arcane material other musicologists will be encouraged to venture into the field, and reap some of its rich rewards.

¹³ Until 1 January 1752 the Julian calendar was used in England, and each year officially began on 25 March (Lady Day) rather than on 1 January.

¹⁴ C. R. Cheney (ed.), rev. Michael Jones, *A Handbook of Dates* (Cambridge: Cambridge University Press, 2000).

Future directions

My search of the common-law records in The National Archives has generated a substantial list of further names associated with various aspects of the London music industry during the long eighteenth century. Individuals of particular interest include Renatus Harris (organ builder); Jane Barbier, Theresa Cornelys, Michael Kelly and Gasparo Pacchierotti (singers); Tommaso Giordani and Venanzio Rauzzini (composers); Richard Brindley Sheridan, John Rich and Francesco Vanneschi (theatre managers); Michael Novosielski (theatre architect and designer), and Samuel Babb, Muzio Clementi, Thomas Haxby and James Longman (music publishers). At this stage I have very few details concerning the nature of the litigation, so the next task is to read and evaluate individual cases with a view to possible publication. Some of the new material will extend my research into the later eighteenth century, and is expected to contribute to knowledge of London's opera industry at that time. There is scope to expand and even correct existing narratives, especially those that take their evidence from equity records only and ignore developments in the litigation that may have taken place at common law.¹⁵

To date, journal articles have proved to be an appropriate medium for presenting my findings; they tend to favour original material, require an exceptionally clear focus and imagine an academic readership. Some lawsuits, however, are so rich in content that they cannot be contained within the scope of even the longest periodical article. A case involving Felice Giardini and the music seller and publisher John Cox, included in the original proposal for this submission and later presented in summary form at the 43rd Annual Conference of the British Society for Eighteenth-Century Studies, is one such example. The extensive documentation associated with the lawsuit sheds light on their close business association

¹⁵ This is particularly the case with Price, Milhous and Hume, *Italian Opera in Late Eighteenth-Century London*.

during the 1750s, and demonstrates that Giardini soon became deeply indebted to Cox in several matters, including a number of notes of hand, the printing of one of his orchestral collections, the management of his concert and operatic ventures, and his outstanding account at Cox's music shop. So considerable are the ramifications of this diverse and highly detailed material that a journal article could not do justice to them; a more appropriate genre would be the monograph, as this is ideal for specialized investigations of topics of the kind that are too long for most periodicals, but either too specific, or not long enough, for a book-length study. I am therefore planning to write *Felice Giardini, John Cox and professional music culture in mid-eighteenth-century London* as a monograph; it would sit neatly in the RMA series, in which Price, Milhous and Hume's *The Impresario's Ten Commandments* sets a precedent in taking a lawsuit as its starting point.

Thinking further ahead, a book-length study of English eighteenth-century music culture through legal documents would be a feasible project. This would allow opportunity for substantial chapters detailing the actual processes involved in using these records, perhaps guiding the reader systematically through specimen searches in the same way as Horwitz does in his very useful handbooks to the equity courts.¹⁶ The rest of the book would comprise a series of case studies of litigants who represent different aspects of the music industry, including singers, instrumentalists, composers, publishers, concert promoters, impresarios, theatre architects and designers. This would produce an interesting study of a discrete culture through archival records, as in Beth and Jonathan Glixon's study of opera in seventeenth-century Venice.¹⁷

¹⁶ Horwitz, *Chancery Equity Records and Proceedings* and *Exchequer Equity Records and Proceedings*.

¹⁷ Beth Glixon and Jonathan Glixon, *Inventing the Business of Opera: The Impresario and his World in Seventeenth-Century Venice* (New York and Oxford: Oxford University Press, 2007).

Legal documents have considerable potential as sources of new information on professional music culture in England, and it is hoped that the publications will mark the beginnings of a body of work that exploits this very considerable resource. Archival scholarship is no longer particularly fashionable, and certainly my own work is hugely labour-intensive and requires a range of skills more closely related to those of a historian than a musician. But the publications testify to the continuing relevance of historical musicology in contemporary scholarship, and demonstrate that, although rooted in a traditional 'positivist' methodology, archival sources - and legal documents in particular - can offer a unique inroad into those very fields of enquiry that are still of concern to musicology today.